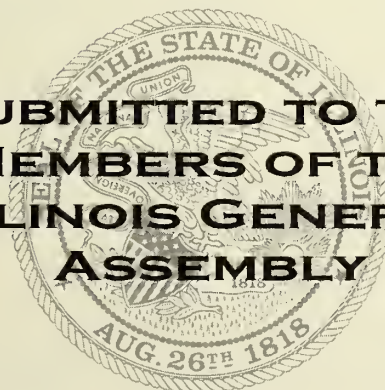


# 2010 ANNUAL REPORT



\_\_\_\_\_ OF THE  
JOINT COMMITTEE  
ON ADMINISTRATIVE  
RULES \_\_\_\_\_

SUBMITTED TO THE  
MEMBERS OF THE  
ILLINOIS GENERAL  
ASSEMBLY



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**2010  
ANNUAL REPORT  
of the  
JOINT COMMITTEE ON  
ADMINISTRATIVE RULES**

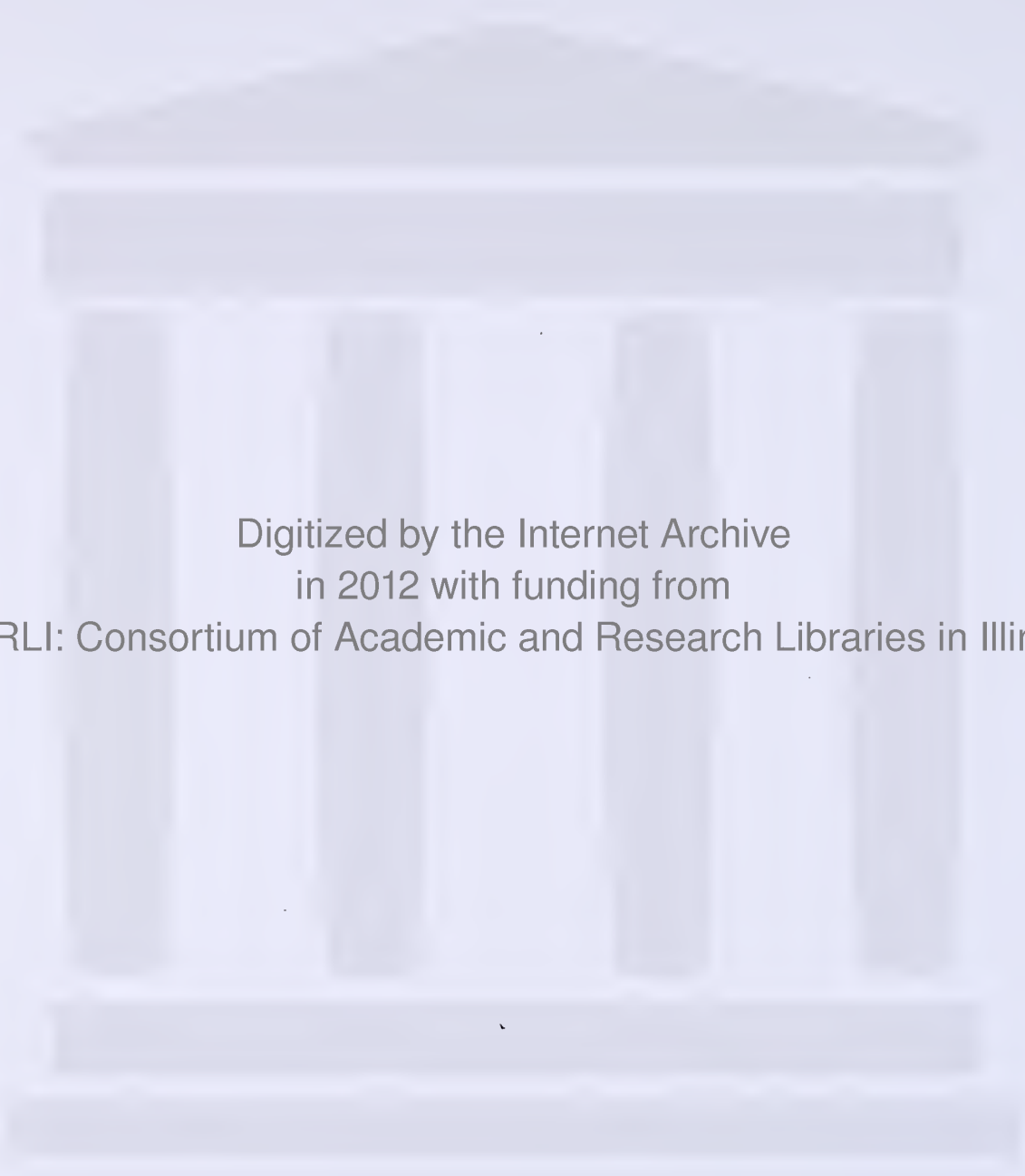
*Submitted to the Members of the  
Illinois General Assembly*

**Senator Maggie Crotty, Co-Chair  
Representative Angelo "Skip" Saviano, Co-Chair**

**Senator J. Bradley Burzynski  
Representative John Fritchey  
Senator Randall Hultgren  
Senator Mattie Hunter  
Representative Lou Lang  
Representative David Miller  
Representative Don Moffitt  
Representative Rosemary Mulligan  
Senator Dan Rutherford  
Senator Ira Silverstein**

**Vicki Thomas  
Executive Director**

**700 Stratton Building  
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# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. MAGGIE CROTTY

CO-CHAIR:  
REP. ANGELO "SKIP" SAVIANO

EXECUTIVE DIRECTOR:  
VICKI THOMAS



700 STRATTON BUILDING  
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SEN. J. BRADLEY BURZYNSKI  
SEN. RANDALL HULTGREN  
SEN. MATTIE HUNTER  
SEN. DAN RUTHERFORD  
SEN. IRA SILVERSTEIN  
REP. JOHN FRITCHEY  
REP. LOU LANG  
REP. DAVID MILLER  
REP. DONALD MOFFIT  
REP. ROSEMARY MULLIGAN

February 1, 2011

Honorable Members of the 97<sup>th</sup> General Assembly:

As Chairs of the Joint Committee on Administrative Rules, we hereby submit the 2010 Annual Report of that Committee. An overview of the Committee's rules review activities can be found in the following pages.

The Joint Committee on Administrative Rules gratefully acknowledges your continued support and assistance. We encourage all members of the General Assembly to take an active role in this vital oversight function guaranteeing that the public right to know is protected through an open rulemaking process. We welcome your suggestions and comments on agency rules and the role of the Committee. Only as each elected representative becomes concerned and involved in the oversight process can the Committee ensure that the intent of the legislation we pass is maintained.

Sincerely,

*Maggie Crotty*

Senator Maggie Crotty  
Co-Chair

*Angelo "Skip" Saviano*

Representative Angelo "Skip" Saviano  
Co-Chair



# JCAR

## Annual Report: 2010

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# JCAR

## Its Creation and Its Purpose

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### Creation

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The Illinois General Assembly created the Joint Committee on Administrative Rules (JCAR) in 1977 and delegated to it the responsibility of the legislative branch to ensure that the laws it enacts are appropriately implemented through administrative law. The specific duties and authorities of JCAR are outlined in the Illinois Administrative Procedure Act (IAPA), as is the Illinois rulemaking process.

### Responsibilities

---

The Committee's principal programs and activities include:

- *Review of general rulemaking.* In the course of this review, JCAR seeks to facilitate involvement by the affected public and to make the review process a timely and efficient one that assists State agencies in their goal of enacting the best administrative law possible.
- *Review of emergency and preemptory rulemakings* to ensure that they are justifiable within the IAPA's limitations on these types of rulemakings. Emergency and preemptory rulemakings are not subject to the IAPA's public comment period, and thus should be used conservatively.
- *Review of existing agency rules and policies* to determine if they have been properly promulgated, are unauthorized or unreasonable, or result in serious negative impact on the citizens of this State. These reviews can be undertaken upon JCAR's own initiative or in response to a complaint from the public.
- *Public Act review* to determine the necessity for new or amendatory rulemaking in response to legislative changes. JCAR devises a list of laws it believes may generate rulemaking activity, shares that list with the agencies, and monitors agency activity to determine if appropriate action is taken.
- *Legislative activities.* JCAR reviews any proposed legislation that amends the Illinois Administrative Procedure Act and brings to agencies' attention any resulting changes in rulemaking procedures. Legislation involving issues that have recently come before JCAR is also followed. Under its IAPA mandate to continually seek to improve the rulemaking process, JCAR occasionally initiates legislation revising the IAPA. It also may propose legislation when rules review brings attention to a statutory insufficiency or lack of clarity or to enforce its Objections or Recommendations when an agency has refused to adhere to those Objections or Recommendations.
- *Public information.* JCAR provides information on rules and the rulemaking process to legislators and the public through several conduits. First, JCAR publishes The Flinn Report: Illinois Regulation, a free weekly newsletter that summarizes State agency rulemaking activities. The newsletter is used by many as an alternative to subscribing (\$290/yr.) to the Illinois Register and is available on-line, as well as by mail. The newsletter highlights the major issues; the reader can then seek a copy of the specific rulemaking or further information from the proposing agency. Second, JCAR has created and maintains the Illinois Administrative Code

database. The database is used in the publishing of the Illinois Register by the Secretary of State's Index Department. State agencies can request materials from the database for use in drafting amendatory rulemakings. The database is also accessible on the General Assembly website ([www.ilga.gov](http://www.ilga.gov)). While emergency rules are not imbedded into the database, the database shows where emergency rules have been adopted and contains automatic links to the Illinois Register database, where the emergency rules can be viewed. Third, JCAR staff is always available to respond to inquiries from General Assembly members and the public. For information, or to be added to the Flinn Report mailing list, call 217/785-2254 or contact JCAR by e-mail at [jcar@ilga.gov](mailto:jcar@ilga.gov).

## **The Review Process** ---

The JCAR membership meets at least once each month to consider an agenda that generally includes from 35 to 50 separate rulemakings by State agencies. In a year's time, JCAR will review approximately 20,000 pages of rule. The IAPA dictates that the Committee's analysis of rulemakings be based on such concerns as statutory authority and legislative intent; necessity of the regulation; economic impact on State government and the affected public; completeness and appropriateness of standards to be relied upon in the exercise of agency discretion; effect on local government through the creation of a mandate; adherence to IAPA rulemaking requirements; and form.

JCAR's review of agency regulatory proposals is predominantly substantive. Its major concern is that statutory law is applied fairly and consistently, creating as little paperwork and economic burden for the affected public as possible. The Committee serves as the final avenue for input from the public before a rulemaking is formally adopted. Recommendations from the public are always welcome and are actively sought. The Committee recognizes that no one is as qualified to comment on the appropriateness and practicality of a proposed regulation as the individual whose activities or business practices will be affected by that regulation. Comment on any proposed or existing State regulation may be submitted to the Committee at 700 Stratton Building, Springfield IL 62706, or by calling 217/785-2254.

JCAR's perusal of agency rulemakings serves a technical purpose as well. The various rulemakings of the State agencies collectively comprise the Illinois Administrative Code. In giving a final technical review to each agency proposal, JCAR, along with the Secretary of State's Index Department, strives to achieve some degree of consistency among the individual agencies' portions of the Code, and to make the Code as readable and understandable for the public as possible.

## **Annual Report** ---

This Report includes narratives of JCAR activity during 2010, as well as statistical summaries of the rulemaking activities of State agencies. The summary of legislation affecting JCAR reflects activity of the 2<sup>nd</sup> year of the 96<sup>th</sup> GA. This Report also includes an historical overview of rulemaking, pertinent historical statistics, and the most recent version of the Illinois Administrative Procedure Act.

# JCAR MEMBERSHIP

The Joint Committee on Administrative Rules consists of 12 legislators who are appointed by the General Assembly leadership. Membership is equally apportioned between the 2 houses and the 2 political parties. Two Co-chairs are selected as provided by law. The Co-chairs are not members of the same house or the same party.

## 2010 MEMBERS

---

Senator Maggie Crotty, Co-Chair  
Senator J. Bradley Burzynski  
Senator Randall Hultgren  
Senator Mattie Hunter  
Senator Dan Rutherford  
Senator Ira Silverstein

Representative Angelo "Skip" Saviano, Co-Chair  
Representative John Fritchey  
Representative Lou Lang  
Representative David Miller  
Representative Don Moffitt  
Representative Rosemary Mulligan

## FORMER MEMBERS

---

Bill W. Balthis  
Allen Bennett  
Arthur L. Berman  
Bill Black  
Prescott E. Bloom  
Glen L. Bower  
Jack E. Bowers  
Woods Bowman  
James F. Clayborne, Jr.  
John W. Countryman  
Mary Lou Cowlshaw  
Tom Cross  
John Cullerton  
Michael Curran  
Richard M. Daley  
Steve Davis  
Vince Demuzio  
Laura Donahue  
James H. Donnewald  
Thomas Dunn  
Jim Edgar  
Tom Ewing  
Beverly Fawell  
Monroe Flinn  
Barbara Giolitto  
James Gitz  
Alan J. Greiman

Kenneth Hall  
Charles Hartke  
Karen Hasara  
Brent Hassert  
Carl E. Hawkinson  
Larry Hicks  
Manny Hoffmann  
Tom Holbrook  
Emil Jones, Jr.  
Jeremiah E. Joyce  
Douglas N. Kane  
Doris Karpel  
Richard Kelly, Jr.  
Bob Kustra  
Thaddeus "Ted" Lechowicz  
David Leitch  
Larry Leonard  
Ellis Levin  
Richard Luft  
Lisa Madigan  
John W. Maitland, Jr.  
Lynn Martin  
John M. Matejek  
Roger McAuliffe  
Thomas J. McCracken, Jr.  
Sam McGrew  
Larry McKeon

A. T. "Tom" McMaster  
Jim Meyer  
Phil Novak  
Barack Obama  
William O'Daniel  
Myron J. Olson  
Coy Pugh  
Jim Rea  
Steve Rauschenberger  
David J. Regner  
Jim Reilly  
Philip J. Rock  
Tom Ryder  
George Sangmeister  
Frank D. Savickas  
John Sharp  
Todd Stroger  
Art Tenhouse  
Donne E. Trotter  
Sam Vinson  
Richard A. Walsh  
Larry Wennlund  
Robert C. Winchester  
Kathleen Wojcik  
Harry "Babe" Woodyard  
Larry Woolard  
Harry "Bus" Yourell



# Illinois Rulemaking Process ---

Law basically exists in 4 forms: constitutional law, statutory law, administrative law and case law. Constitutional law creates broad guidelines. Legislation creates specific restrictions, authorities and programs. Administrative law adds the detail often necessary to implement statutory law. If these 3 categories of law do not sufficiently address all the variables, case law evolves.

In 1975, the Illinois General Assembly enacted the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100] to create a procedure through which administrative agencies would exercise the authority delegated to them by the legislature to create administrative law through the adoption of agency regulations. In 1977, the IAPA was amended to add a process by which the General Assembly would oversee the exercise of this delegated authority through the Joint Committee on Administrative Rules (JCAR), a service agency of the General Assembly.

Rules of an administrative agency are valid and enforceable only after they have been through the rulemaking process prescribed in the IAPA. Rules are for the purpose of interpreting or implementing provisions of a statute and should not actually expand or limit the scope of the statute.

## Types of Rulemakings ---

**Proposed Rules.** These can be new rules or amendatory rulemakings. Frequently this is referred to as "regular rulemaking" or "permanent rulemaking". A 2-step (First Notice and Second Notice) process is followed, requiring from 90-365 days. Aside from the basic 90 days, the agency controls the timing. Both the general public and the General Assembly, through JCAR, can have input prior to adoption.

**Emergency Rules.** Rules are effective immediately upon the agency filing them with the SOS or within 10 days after filing. These rules can be developed unilaterally by the agency; JCAR reviews after the rules are adopted. An emergency rulemaking lasts 150 days unless an earlier date is specified or the emergency rule is replaced by a permanent rulemaking. Emergency rulemaking can be used only if the agency finds a threat to the public interest, safety or welfare exists that the rulemaking will address.

**Peremptory Rules.** The IAPA provides for the immediate adoption of a rule required as a result of a federal law, federal rule, collective bargaining agreement, or a court order under conditions that preclude discretion by the agency concerning the rule's content. Peremptory rules are effective upon filing with the SOS or on the date required by the federal law, federal rule or court order. JCAR reviews these rules after their adoption.

**Exempt or Identical in Substance Rules.** The IAPA, the Environmental Protection Act and the Illinois Emergency Management Act create a special process through which PCB and IEMA can adopt regulations that are identical in substance to federal regulations that the State is required to adopt and enforce. These rulemakings are reviewed by JCAR after adoption.

**Required Rulemaking.** These are rules of an agency that can be adopted unilaterally by the agency by filing with the SOS. Examples are organization charts, principal address, Freedom of Information Act information, hearing officer qualifications, etc. JCAR reviews required rules after their adoption.

## **The Process** ---

**Drafting of Rules.** Administrative rules are drafted by State agencies; there is no central drafting bureau as for statutes. The involvement of the public in the initial drafting is at the discretion of the agency; however, the IAPA encourages early public involvement and requires agencies to semiannually publish a Regulatory Agenda indicating, to the best of the agency's knowledge, the scope of the next 6 months' rulemaking activity.

**First Notice.** The First Notice period commences upon publication of an agency's Notice of Rulemaking in the Illinois Register. First Notice lasts a minimum of 45 days and terminates when the agency files with JCAR, commencing the Second Notice period. The only limitation is that a rulemaking expires if not adopted within 1 year after commencement of First Notice. The IAPA requires that, during First Notice, the Department of Commerce and Economic Opportunity review each proposed rulemaking to determine possible impact on small business. The general public can submit comment on the rulemaking proposal to the agency and a public hearing may or may not be held during this period. The agency can volunteer to hold a hearing or must conduct one at the request of the Governor, JCAR, an association representing over 100 persons, 25 individuals, or a local government. Requests for hearing must be filed within 14 days after publication of the First Notice. The agency can modify the rulemaking during First Notice by submitting a First Notice Changes document to JCAR when it gives Second Notice.

**Second Notice.** The Second Notice period commences upon the agency's filing of the Second Notice with JCAR and lasts for a maximum of 45 days, unless extended for an additional 45 days by mutual agreement of JCAR and the agency. During the Second Notice Period, legislative review of the rules is conducted first by the JCAR staff and then at a meeting of the legislative members. JCAR reviews the proposed rules for statutory authority, propriety, standards for the exercise of discretion, economic effects, clarity, procedural requirements, technical aspects, etc.

During the JCAR review, JCAR and the agency can agree to modifications in the rulemaking that are adopted through written JCAR Agreements. The Agreements are appended to the Certificate of No Objection issued by JCAR at its regular meeting, or are still applicable if no Certificate is issued but the agency proceeds to adopt. If the agency does not choose to modify a rulemaking or if policy differences cannot be resolved during the review process, JCAR can take one of several actions.

## **JCAR Motions** ---

**Certificate of No Objection.** With the Certificate, the agency can proceed to adopt the rules by filing them with the SOS for publication in the Illinois Register.

**Recommendation.** (Issued along with a Certificate of No Objection) The agency should respond to the Recommendation in writing within 90 days and can modify or withdraw the rule in response to a JCAR Recommendation. (After going to Second Notice, the agency cannot unilaterally modify/withdraw a rulemaking.) However, the agency can also adopt the rules with no changes at any time after receipt of the Certificate of No Objection.

**Objection.** An agency has to respond to an Objection in writing within 90 days, but after responding can proceed to adopt. The agency can modify or withdraw in response to a JCAR Objection or adopt the rules without changes. JCAR Agreements still apply.

**Filing Prohibition/Suspension.** If JCAR determines that a rulemaking constitutes a threat to the public interest, safety or welfare, the members can, by a 3/5 (normally 8 members) vote, prohibit filing of a proposed rulemaking (or suspend an emergency or preemptory rule). As a result, the proposed rulemaking may not be accepted for filing by the Secretary of State or enforced by the agency. An emergency or preemptory rule, which has already been adopted, becomes null and void for a period of 180 days, after which, it is automatically repealed.

## **Public Notification** ---

**Illinois Register** is the official State publication through which the public is informed of rulemaking activity. The Illinois Register is prepared by JCAR and published by the Secretary of State every Friday and can be accessed through the General Assembly website ([www.ilga.gov](http://www.ilga.gov)) or the Secretary of State's website. The Register contains First Notice publication of rulemaking proposals, JCAR actions, a list of Second Notices received by JCAR, notices of final adoption of rulemakings, regulatory agendas (in January and July), executive orders and proclamations, and quarterly indexes to the current and previous issues. Over the course of a year, the Register contains around 20,000 pages. It can be ordered in hardcopy from the Secretary of State for \$290/year, can be seen on both the General Assembly's and the Secretary of State's websites, and is available electronically through private publishers.

**The Flinn Report: Illinois Regulation** is a 4-6 page weekly publication by JCAR that summarizes the rulemaking activity depicted in the matching issue of the Illinois Register. The Flinn Report is mailed free of charge to anyone who requests it and is also available weekly on the General Assembly's website at [www.ilga.gov](http://www.ilga.gov).

**Illinois Administrative Code.** The compilation of all agency rules is known as the Illinois Administrative Code. The Code, which is larger than the Illinois Compiled Statutes, is maintained electronically by JCAR/LIS. That database is located on the General Assembly's website at [ilga.gov](http://ilga.gov) and State agencies can request from JCAR downloads of specific Sections to use for drafting purposes.

## Public Participation ---

One of the main reasons the IAPA was enacted was to give the public input into the rulemaking process. Any interested persons may contact an agency during the First Notice period to record a position on a rulemaking proposal. Additionally, many agencies consult with their identified interest groups during the pre-First Notice drafting process.

When the rulemaking goes to Second Notice, JCAR receives a copy or summary of all written comment submitted to the agency. In addition, the public may contact JCAR directly, and frequently does so if the agency refused to modify in response to public comment, or if they discovered the existence of the proposal too late for the First Notice public comment period.

Public comment is vital to the JCAR review process. Frequently, it is only through this comment that the Committee fully recognizes the effect of a rule on the individual, business or local government that has to adhere to it on a daily basis.

The public may also lodge complaints about existing rules. Agencies are required to allow the public to suggest rule revisions. Additionally, JCAR may open an investigation into an existing rule on its own volition or based on public complaint.

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# 2010 Rulemaking

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In 2010, JCAR reviewed 412 rulemakings, 315 of which were general rulemakings, 49 emergency rulemakings, 15 peremptory rulemakings, 7 exempt rulemakings and 21 required rulemakings. JCAR voted 2 Filing Prohibitions, 5 Objections and 9 Recommendations on general rulemakings; 9 Objections and 3 Recommendations on emergency rulemakings; and 1 Recommendation on required rulemakings.

Some of the more notable rules on which JCAR took action are described here.

## GENERAL RULEMAKING

### **IEMA - LICENSING OF RADIOACTIVE MATERIAL**

The Emergency Management Agency proposed setting conditions under which producers or possessors of water and sewage treatment residuals or sludges containing naturally occurring radium below or equal to 200 picocuries/gram would be exempt from statutory registration, licensure, fee and reporting requirements and instead must only register with IEMA. At its 8/10 meeting, JCAR objected to and prohibited filing of the rulemaking because it would have caused a significant adverse economic impact on the affected public. JCAR found that to proceed at the time would endanger the public interest. Further, JCAR requested that IEMA conduct an additional meeting to enable the affected public to present data in an attempt to show that the public health and safety can be protected with less adverse economic impact. IEMA held the additional hearing on 10/27 in Oglesby. The Agency responded to the Objection by modifying its proposal and the Filing Prohibition was withdrawn at JCAR's 1/11/11 meeting. The Agency will proceed to adopt the modified rulemaking in February 2011.

### **DFPR - CEMETERY OVERSIGHT ACT**

The Department of Financial and Professional Regulation proposed establishing cemetery licensure procedures reflecting 3 classes of cemetery authorities. At its 10/10 meeting, JCAR objected to and prohibited filing of the rulemaking because licensure fees, indemnification costs and continuing education requirements, as well as cemetery maintenance standards that are not differentiated based on the size and financial strength of the cemetery as is required by the statute, will cause serious financial hardship for some cemeteries. Implementing this rulemaking would likely cause some small cemeteries to go into receivership or abandonment, especially those that are operated by volunteers, which would create a serious threat to the public interest and welfare. The 180 day period during which JCAR can withdraw the Filing Prohibition expires in 4/11.

### **DVA - VETERANS' SCRATCH-OFF LOTTERY GRANT PROGRAM**

In 2006, the Department of Veterans' Affairs proposed establishing a program for disbursing designated lottery proceeds to fund services or research related to veterans' post traumatic stress disorder, homelessness, health insurance, disability or long-term care. JCAR recommended that DVA explain, in writing, the methodology underlying its funding of these grants. DVA failed to adopt the rule

within 1 year after commencement of First Notice and the rule expired. In 2009, the Department proposed a similar rule. At its 3/10 meeting, JCAR objected because DVA had implemented and been operating the program since 2006 without rules in place. DVA responded that former Governor Blagojevich blocked it from complying with the Committee's earlier Recommendation and adopting that rule. Thus, the Department had no recourse other than to continue to operate the program absent rule. DVA further stated that this was a unique situation and should never happen again.

#### **SUCSS - STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

The State Universities Civil Service System proposed providing System universities with the option of implementing employee furlough programs. Implementation of a furlough program is subject to the collective bargaining process for employees covered by a collective bargaining agreement and other labor laws. At its 4/10 meeting, JCAR recommended that SUCSS participate in further discussion on the issue of furloughs for employees under its jurisdiction. Representatives of SUCSS continued discussions with Illinois Federation of Teachers, Illinois Education Association, Service Employees International Union, American Federation of State, County and Municipal Employees and University Professionals of Illinois and added language that the unions wanted. The SUCSS Merit Board refused to approve the language, which would have required implementation of the furlough program only in accordance with a negotiated agreement. As a result, SUCSS withdrew the rulemaking in response to JCAR's Recommendation.

#### **DOT - ACCOMMODATION OF UTILITIES ON RIGHTS-OF-WAY**

The Department of Transportation proposed requiring public utilities to obtain DOT permits for construction/modification of utility facilities on State highway rights-of-way. At its 7/10 meeting, JCAR objected because DOT lacked specific statutory authority to assess utilities for the cost of removal, relocation or modification of facilities. DOT withdrew the rulemaking on 8/13/10.

**2010**  
**GENERAL RULEMAKINGS**  
**PROPOSED BY THE AGENCY**

AGENCY	NUMBER OF RULEMAKINGS
Department on Aging	2
Department of Agriculture	15
Attorney General	3
Auditor General	1
Board of Examiners	1
Capital Development Board	4
Department of Central Management Services	7
Department of Children and Family Services	15
Department of Commerce and Economic Opportunity	2
Civil Service Commission	1
Commerce Commission	11
Department of Corrections	3
Deaf and Hard of Hearing Commission	1
Drycleaner Environmental Reponse Trust Fund Council	1
State Board of Education	25
State Board of Elections	5
Electronic Recording Commission	1
Emergency Management Agency	4
Department of Employment Security	8
Educational Labor Relations Board	6
Environmental Protection Agency	10
Finance Authority	1
State Fire Marshal	15
Gaming Board	5
Health Facilities and Service Review Board	3
Department of Healthcare and Family Services	25
Board of Higher Education	1
Housing Development Authority	2
Department of Human Rights	2
Human Rights Commission	1
Department of Human Services	32
Department of Insurance	17

State Board of Investment	1
Department of Labor	7
Law Enforcement Training and Standards Board	2
Department of Military Affairs	1
Department of Natural Resources	35
Pollution Control Board	27
Department of Financial and Professional Regulation	32
Department of Public Health	46
Racing Board	11
Department of Revenue	17
Department of State Police	2
Secretary of State	27
State Employees' Retirement System	1
State Universities Civil Service System	1
State Universities Retirement System	1
Student Assistance Commission	7
Teachers' Retirement System	5
Toll Highway Authority	1
Department of Transportation	14
Department of Veterans' Affairs	1
Violence Prevention Authority	1
Workers' Compensation Commission	2

<b>TOTAL</b>	<b>472</b>
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**2010  
GENERAL RULEMAKINGS  
CONSIDERED BY JCAR**

AGENCY	NUMBER OF RULEMAKINGS
Department of Agriculture	10
Capital Development Board	4
Department of Central Management Services	5
Department of Children and Family Services	10
Department of Commerce and Economic Opportunity	2
Civil Service Commission	1
Commerce Commission	5
Department of Corrections	2
Drycleaner Environmental Reponse Trust Fund Council	1
State Board of Education	16
State Board of Elections	2
Electronic Recording Commission	1
Emergency Management Agency	4
Department of Employment Security	2
Environmental Protection Agency	9
Finance Authority	1
State Fire Marshal	11
Gaming Board	5
Health Facilities and Service Review Board	3
Department of Healthcare and Family Services	12
Board of Higher Education	1
Housing Development Authority	2
Department of Human Rights	1
Human Rights Commission	1
Department of Human Services	23
Department of Insurance	11
Department of Labor	7
Law Enforcement Training and Standards Board	2
Department of Military Affairs	1
Department of Natural Resources	28
Pollution Control Board	20
Department of Financial and Professional Regulation	17

Department of Public Health	27
Racing Board	10
Department of Revenue	14
Department of State Police	2
Secretary of State	19
State Employees' Retirement System	1
State Universities Civil Service System	1
State Universities Retirement System	1
Student Assistance Commission	7
Teachers' Retirement System	4
Department of Transportation	6
Department of Veterans' Affairs	1
Violence Prevention Authority	1
Workers' Compensation Commission	1

<b>TOTAL</b>	<b>315</b>
--------------	------------

**2010**  
**GENERAL RULEMAKINGS:**  
**JCAR ACTION**

AGENCY	REC	OBJ	PROHIBIT
Department of Children and Family Services		1	
Emergency Management Agency		1	1
Environmental Protection Agency	2		
Department of Financial and Professional Regulation		1	1
Department of Healthcare and Family Services	1		
Law Enforcement Training and Standards Board	2		
State Fire Marshal	1		
State Universities Civil Service Commission	1		
Student Assistance Commission	2		
Department of Transportation		1	
Department of Veterans' Affairs		1	
<b>TOTALS</b>	<b>9</b>	<b>5</b>	<b>2</b>

**2010**  
**GENERAL RULEMAKINGS:**  
**BASIS FOR JCAR ACTION**

<b>Basis for Objection</b>	<b>Number of Objections</b>	<b>Percentage of Total</b>
Economic Impact	1	20%
Economic Impact/Contravenes Statute	1	20%
Agency Failure to Adhere to Statutory Deadline	1	20%
Policy Implementation Prior to Rulemaking	1	20%
Statutory Authority	1	20%
<b>TOTAL</b>	<b>5</b>	<b>100%</b>

<b>Basis for Recommendation</b>	<b>Number of Recommendations</b>	<b>Percentage of Total</b>
Incomplete Rulemaking	1	11%
More Timely Rulemaking	7	78%
Need for Statutory Revision	1	11%
<b>TOTAL</b>	<b>9</b>	<b>100%</b>

<b>Basis for Filing Prohibition</b>	<b>Number of Filing Prohibitions</b>	<b>Percentage of Total</b>
Economic Impact	1	50%
Economic Impact/Contravenes Statute	1	50%
<b>TOTAL</b>	<b>2</b>	<b>100%</b>

## **EMERGENCY RULEMAKING**

Section 5-45 of the Illinois Administrative Procedure Act specifies that agencies may use this short form rulemaking procedure, in which a rule is adopted without prior opportunity for public and JCAR comment, only if the agency finds that an emergency exists that requires the adoption of a rule within fewer days than normally required. The agency must state the emergency situation in writing and make an effort to notify the affected public. An emergency rule becomes effective immediately upon filing with the Secretary of State or at a stated date less than 10 days after filing and is effective for up to 150 days, after which a general rulemaking has to be adopted if the policy is to continue. No emergency rule may be adopted more than once in any 24-month period.

### **DMA - ILLINOIS MILITARY FAMILY RELIEF FUND ACT**

The Department of Military Affairs increased the casualty-based grant from \$2,000 to \$5,000 per incident or injury effective 11/23/09. An individual may qualify for only one casualty grant arising out of the same engagement or incident. After 11/23/09, the minimum amount of service eligibility required for all 3 grants was increased from 30 to 60 days. At its 1/10 meeting, JCAR objected to DMA including in the emergency rule provisions effective 11/23/09, prior to the 12/9/09 effective date of the emergency rule, and changes in existing programs that were unrelated to the recently enacted PA that DMA cited as its rationale for use of emergency rulemaking. DMA responded that it wanted to have all dates tied to the statutory effective date and that it was unaware that this was problematic under the IAPA. DMA modified the implementation dates in order to eliminate any regulatory retroactivity.

### **WCC - MISCELLANEOUS**

The Workers' Compensation Commission allowed ambulatory surgical treatment facilities (ASTF; entities accredited by such organizations as Joint Commission on Accreditation of Healthcare Organizations but not licensed by the State, as are ambulatory surgical treatment centers) to be reimbursed for services on behalf of injured workers. At its 9/10 meeting, JCAR objected to WCC recognizing accredited, but unlicensed, ASTF for reimbursement under WCC's Medical Fee Schedule because the emergency rule should be limited to unlicensed ASTF that are not otherwise required by statute to be licensed. Further, JCAR recommended that WCC, between that meeting and the October JCAR meeting, submit to JCAR its best argument as to whether the emergency rule is consistent with the requirement of the Workers' Compensation Act that the medical fee schedule be charge-based. At its October meeting, JCAR objected because the cost-plus pricing model used in the rulemaking was contrary to the WC Act's requirement that the fee schedule be based on medical service provider fees and charges, not cost, and further objected to WCC's use of emergency rulemaking, as no grounds had been adequately shown that mandated adoption of the amendments in a shorter time frame than would have been required for the proposed rulemaking process and its incumbent opportunity for public participation. WCC responded by repealing the emergency rulemaking and withdrawing its companion proposed rulemaking.

### **CMS/COMPTROLLER - PROMPT PAYMENT**

The Department of Central Management Services and the Comptroller amended their joint prompt

payment rules to allow unpaid State vendors to sell, along with their accounts receivable (State debt), the interest the State owes on the debt under the Prompt Payment Act and require the Governor's Office of Management and Budget's approval of the purchaser of the debt + interest. At its 11/10 meeting, JCAR objected because no specific program policies and procedures were codified in rule, contrary to the Illinois Administrative Procedure Act. Further, the rules granted approval authority for the program to the Comptroller and GOMB, while the Comptroller and CMS are statutorily required to implement the State Prompt Payment Act. The Comptroller/CMS have not yet responded to the Objection.

**2010**  
**EMERGENCY RULEMAKINGS**  
**ADOPTED BY THE AGENCY**

AGENCY	NUMBER OF RULEMAKINGS
Department of Agriculture	3
Department on Aging	2
Board of Higher Education	1
Capitol Development Board	1
Department of Central Management Services	4
Office of the Comptroller	1
Department of Commerce and Economic Opportunity	1
Department of Children and Family Services	1
Illinois Commerce Commission	3
Department of Corrections	1
State Board of Education	3
Department of Employment Security	2
Environmental Protection Agency	3
Gaming Board	1
Department of Healthcare and Family Services	4
Housing Development Authority	2
Department of Human Services	6
Department of Insurance	1
Department of Military Affairs	1
Department of Natural Resources	2
Department of Public Health	1
Racing Board	4
Department of Revenue	1
Workers' Compensation Commission	1
<b>TOTAL</b>	<b>50</b>

**2010**  
**EMERGENCY RULEMAKINGS**  
**CONSIDERED BY JCAR**

AGENCY	NUMBER OF RULEMAKINGS
Department of Agriculture	3
Department on Aging	2
Board of Higher Education	1
Capitol Development Board	1
Department of Central Management Services	4
Office of the Comptroller	1
Department of Commerce and Economic Opportunity	1
Department of Children and Family Services	1
Commerce Commission	3
Department of Corrections	1
State Board of Education	3
Department of Employment Security	2
Environmental Protection Agency	3
Gaming Board	1
Department of Healthcare and Family Services	4
Housing Development Authority	2
Department of Human Services	6
Department of Insurance	1
Department of Military Affairs	1
Department of Natural Resources	2
Department of Public Health	1
Racing Board	3
Department of Revenue	1
Workers' Compensation Commission	1
<b>TOTAL</b>	<b>49</b>

**2010**  
**EMERGENCY RULEMAKINGS:**  
**JCAR ACTION**

AGENCY	REC	OBJ	SUSPENSION
Department of Central Management Services		1	
Commerce Commission	2	1	
Office of the Comptroller		1	
Department of Employment Security		2	
Department of Military Affairs		1	
Workers' Compensation Commission	1	3	
<b>TOTALS</b>	<b>3</b>	<b>9</b>	<b>0</b>

**2010**  
**EMERGENCY RULEMAKINGS:**  
**BASIS FOR JCAR ACTION**

<b>Basis for Objection</b>	<b>Number of Objections</b>	<b>Percentage of Total</b>
Invalid Use of Emergency Rulemaking	2	22%
Failure to Adhere to Statutory Deadline	3	33%
Contravenes Statute	2	22%
Policy Not in Rule/Contravenes Statute	2	22%
<b>TOTAL</b>	<b>9</b>	<b>100%</b>

<b>Basis for Recommendation</b>	<b>Number of Recommendations</b>	<b>Percentage of Total</b>
Invalid Use of Emergency Rulemaking	2	67%
Contravenes Statute	1	33%
<b>TOTAL</b>	<b>3</b>	<b>100%</b>

<b>Basis for Suspension</b>	<b>Number of Suspensions</b>	<b>Percentage of Total</b>
<b>TOTAL</b>	<b>0</b>	<b>0%</b>

## PEREMPTORY & EXEMPT RULEMAKING

Section 5-50 of the Administrative Procedure Act specifies that agencies may use this short form of rulemaking procedure, in which the rule is adopted without prior opportunity for public and JCAR comment, only if the rulemaking is required by federal law, federal regulations, court orders or collective bargaining agreements; if the agency cannot exercise any discretion with respect to the rule content; and under conditions that preclude compliance with the general rulemaking requirements. Agencies must file the peremptory rule with the Secretary of State within 30 days after the change in rules is required.

Exempt rulemaking is a specialized form of rulemaking, similar to the peremptory rulemaking process, reserved for use by the Pollution Control Board (PCB) under the Environmental Protection Act and by the Illinois Emergency Management Agency (IEMA) under the Radiation Protection Act. PCB and IEMA can use this short form procedure only to adopt Illinois regulations that are "identical in substance" to mandated federal regulations.

**2010**  
**PEREMPTORY & EXEMPT RULEMAKINGS**  
**ADOPTED BY THE AGENCY**

AGENCY	NUMBER OF RULEMAKINGS
Department of Central Management Services	15
Emergency Management Agency	5
Department of Human Services	1
Pollution Control Board	8
TOTAL	29

**2010**  
**PEREMPTORY & EXEMPT RULEMAKINGS**  
**CONSIDERED BY JCAR**

AGENCY	NUMBER OF RULEMAKINGS
Department of Central Management Services	14
Department of Human Services	1
Pollution Control Board	7
<b>TOTAL</b>	<b>22</b>

## **REQUIRED RULEMAKING**

Section 5-15 of the Illinois Administrative Procedure Act requires that each agency maintain as rules certain types of basic information about the agency and its rulemaking process. For example, the agency must include a description of its organizational structure; procedures by which the public can obtain information concerning the agency's programs, including Freedom of Information Act (FOIA) procedures; and a current description of the agency's rulemaking procedures and research tools for its body of rules. An agency may also adopt rules that incorporate material by reference and adopt rules that specify the qualifications of administrative law judges by using the required rulemaking process. Section 5-15 authorizes agencies to by-pass the proposed rulemaking process and file a certified copy of a required rule with the Secretary of State for publication in the Illinois Register as an adopted rulemaking. JCAR reviews such rules after, rather than before, they are adopted.

### **EPA - ACCESS TO PUBLIC RECORDS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

The **Environmental Protection Agency** adopted rules substantially mirroring the Governor's model FOIA rules. At its 8/10 meeting, JCAR recommended that EPA further amend the Part to clarify that original records will not be allowed to leave agency premises without agency supervision and to correct various technical errors. EPA agreed and adopted the amendments 9/23/10.

**2010**  
**REQUIRED RULEMAKINGS**  
**ADOPTED BY THE AGENCY**

AGENCY	NUMBER OF RULEMAKINGS
Auditor General	3
Board of Higher Education	3
Commerce Commission	1
Department of Employment Security	1
Department of Human Rights	1
Department of Public Health	2
Eastern Illinois University Board of Trustees	1
Educational Labor Relations Board	2
Environmental Protection Agency	3
Executive Ethics Commission	3
Racing Board	3
Student Assistance Commission	3
<b>TOTAL</b>	<b>26</b>

**2010  
REQUIRED RULEMAKINGS  
CONSIDERED BY JCAR**

AGENCY	NUMBER OF RULEMAKINGS
Auditor General	3
Board of Higher Education	3
Commerce Commission	1
Department of Human Rights	1
Department of Public Health	2
Eastern Illinois University Board of Trustees	1
Environmental Protection Agency	3
Executive Ethics Commission	1
Illinois Racing Board	3
Illinois Student Assistance Commission	3
<b>TOTAL</b>	<b>21</b>

**2010**  
**REQUIRED RULEMAKINGS:**  
**JCAR ACTION**

AGENCY	REC	OBJ	SUSPENSION
Environmental Protection Agency	1		
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>

**2010**  
**REQUIRED RULEMAKINGS:**  
**BASIS FOR JCAR ACTION**

<b>Basis for Objection</b>	<b>Number of Recommendations</b>	<b>Percentage of Total</b>
Further Rulemaking Needed	1	100%
<b>TOTAL</b>	<b>1</b>	<b>100%</b>

<p style="text-align: center;"><b>2010</b></p> <p style="text-align: center;"><b>JCAR ASSESSMENT OF</b></p> <p style="text-align: center;"><b>APPROPRIATENESS OF AGENCY RESPONSE</b></p> <p style="text-align: center;"><b>TO JCAR ACTION</b></p>				
	ASSESSMENT			
	APPROPRIATE	FAILURE TO REMEDY	NO FURTHER JCAR ACTION	JCAR WILL MONITOR
AGENCY				
Department of Children and Family Services	1			
Commerce Commission	1		2	
Emergency Management Agency	1			
Department of Employment Security			2	
Environmental Protection Agency	3			
Department of Military Affairs	1			
State Fire Marshal	1			
State Universities Civil Service System			1	
Student Assistance Commission	1			
Department of Transportation	1			
Department of Veterans' Affairs	1			
Workers' Compensation Commission	4			
<b>TOTAL</b>	<b>15</b>	<b>0</b>	<b>5</b>	<b>0</b>

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## Potential Legislation

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Rulemakings considered by JCAR occasionally result in Objections or Recommendations based on lack of statutory authority, lack of standards, or other problems that need statutory resolution. Written agreements with agencies to pursue legislation to clarify statute, resolve ambiguities, or seek specific statutory authority may result. The following are instances in 2010 in which the GA addressed statutory issues (if the agency intended to pursue the proposed policy) raised by JCAR.

The **Department of Financial and Professional Regulation** proposed rules implementing the Cemetery Oversight Act [225 ILCS 411] (PA 96-863). The rulemaking established licensure procedures and registration and licensing fees for cemeteries, cemetery managers, and their employees; created three classes of cemetery authorities (fully exempt, partially exempt, and non-exempt); instituted a cemetery oversight database; imposed security rules (e.g., fidelity bonds, self-insurance) for care funds; and prescribed uniform care and maintenance standards for all cemeteries. Numerous cemetery associations, owners, and authorities objected to the rulemaking, stating that it would place significant regulatory burden and expense upon many smaller or volunteer-operated cemeteries and did not allow for DFPR to grant any waivers or variances. JCAR objected to and prohibited filing of the rulemaking, citing the likelihood that implementation would cause some small cemeteries to go into receivership or abandonment, as well as DFPR's failure to differentiate maintenance standards based on size and financial strength of the cemetery as required by the statute. During discussions on this rulemaking, it became apparent that many of the costs that could lead to serious financial harm to small cemeteries are statutory. Legislation was proposed in the 96<sup>th</sup> General Assembly to address some of these issues (amendments to SB 1402, HB 6422, and SB 3268), but none of those measures passed before adjournment. Similar legislation has been proposed in the 97<sup>th</sup> GA.

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## Public Act Review

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Section 5-105 of the Illinois Administrative Procedure Act [5 ILCS 100/5-105] requires JCAR to maintain a review program to monitor the implementation of new laws and changes in law through State agency rulemaking activities. The Committee fulfills this statutory obligation through its Public Act review program.

Under this program, Committee staff reviews each new Public Act and makes a preliminary determination as to whether rulemaking might be necessary for proper implementation. After the list has been culled of those obviously not requiring rulemaking (appropriations, criminal and civil law, local government issues), the affected State agency is contacted for its opinion. If necessary, these written contacts are followed up with discussion between JCAR and the agency.

The final list of Public Acts for which JCAR and the agency agree that rulemaking is warranted is then monitored by the Committee as long as necessary to insure that progress is made toward implementation. The primary goal of the Committee in this program is to ensure that appropriate rules are put into effect in a timely manner, as required by Section 5-105 of the IAPA.

If suitable progress is not made, JCAR, by the vote of a majority of its members, can initiate an investigation into existing rules of the agency. If, after the agency's appearance before the Committee to explain its failure to adopt anticipated rules, the JCAR members are not satisfied with the agency response, the Committee can object to the agency's conduct and may initiate further legislation to clarify the issue.

Frequently an agency is prompted to complete necessary rulemaking by conversation with JCAR or the agency enters voluntarily into written Agreements with JCAR to more thoroughly implement statutory requirements. At other times, JCAR votes a Recommendation or Objection based on a need for additional rulemaking.

JCAR aggressively follows its statutory mandate to monitor the implementation of Public Acts. However, the Committee is seldom required to press an agency to implement a new Public Act. Agencies generally respond to JCAR inquiries that they agree rulemaking is necessary and by stating an approximate date for commencement of rulemaking activity. In some instances, they offer valid responses as to why rulemaking will not be necessary. Occasionally, the JCAR inquiry brings to an agency's attention a Public Act relating to its programs that had escaped its notice. The Public Act review program can be helpful to both the legislature and the agencies in meeting their obligation to put the laws of the State of Illinois into effect in a timely and effective manner.

# Special Review of ADA Procedures

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In 2004, JCAR audited the rules of all agencies to determine whether the agency had adopted the Americans With Disabilities Act grievance procedures required by federal law. Federal regulations at 28 CFR 35.107 require all agencies of State government employing at least 50 persons to adopt rules governing the grievance procedure. Twenty-one agencies appeared to have no ADA rules and were contacted to determine whether the agency had a valid reason for considering itself exempt from the federal mandate of those, 15 responded by adopting ADA rules. The following agencies have yet to file ADA rules:

Department of Children and Family Services  
Governor's Office of Management and Budget  
Department of Healthcare and Family Services  
Historic Preservation Agency  
Department of Insurance \*  
Department of Military Affairs

\* The Department of Insurance has been notified that since it was re-established as an independent agency separate from the Department of Financial and Professional Regulation in 2009, it will again need its own ADA rules.

# Freedom of Information Act Rules

Public Act 96-542, which took effect on 1/1/10, amended the Freedom of Information Act (FOIA) [5 ILCS 140] to require greater disclosure of public documents, faster response to requests for information and documents, and stronger civil penalties for public bodies that fail to comply with the law. The Act also established within the Office of the Attorney General the position of Public Access Counselor, whose duties include hearing appeals from requesters denied information or from public bodies claiming requested information should be exempt from disclosure.

The changes to FOIA will require many State agencies to revise or replace their existing FOIA rules. New provisions shorten the timeline for responding to an initial request from 7 to 5 business days; require each agency to provide contact information for a designated FOIA officer; require annual training for FOIA officers; revise the schedule of fees that may be charged for copying documents; and direct appeals, when requests are denied, to the Public Access Counselor.

Ten State agencies implemented the revised FOIA during 2010 by either amending their current rules or replacing them with a model rule drafted by the Governor's office. Most agencies have adopted their FOIA rules using the required rulemaking provisions in Section 5-15 of the IAPA, which apply to "procedures by which the public can obtain information ... on subjects, programs, and activities of (an) agency". Agencies that adopted new FOIA rules are:

- Auditor General
- Board of Higher Education
- Eastern Illinois University Board of Trustees
- Department of Employment Security
- Executive Ethics Commission
- Environmental Protection Agency
- Department of Human Rights
- Department of Public Health
- Racing Board
- Student Assistance Commission

# **Complaint Review Program**

The Illinois Administrative Procedure Act authorizes JCAR to review and investigate the rulemaking activities of State agencies when it receives a written complaint.

JCAR operates its complaint review program under Part 260 of its operational rules. Complaints may address one or more of the following: an existing rule of an agency; failure of an agency to fully or properly enforce its rules; absence of rules required by statute or necessary for the proper conduct of an agency program or function; and an agency rule that is applied, but not embodied in the rules of the agency promulgated pursuant to the IAPA.

Upon receipt of a complaint, JCAR initiates a review to determine the need for a full investigation. Staff may raise questions or to discuss problems with the agency and will attempt to inform the agency of the substance of the complaint and any proposals for JCAR action prior to the meeting. Staff will report the results of the review and a proposal for action at a JCAR monthly meeting. A complaint may be placed on the agenda for a JCAR meeting by any JCAR member or the Executive Director if evidence exists that there are possible problems with the rules. If the same issues have been previously considered by JCAR, a complaint will not be placed on the agenda, unless the complaint reveals information not available to JCAR at the time the issue was considered and, if the information were available, it would have altered the outcome. Based on the complaint, JCAR may issue an Objection or Recommendation to existing rule, or to agency failure to maintain adequate rule, and afford the agency an opportunity to respond.

Complaints should be forwarded to the Executive Director of the Joint Committee at:

Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706

## —Legislation Relating to Rulemaking Issues—

The following are issues considered by JCAR that engendered or were associated with legislation considered during the 2010 session and legislation affecting the rulemaking process.

PA 96-1448 (effective 1/1/11) amends the IAPA to require agencies promulgating rulemakings that may affect small business to prepare their own economic analyses before filing the rulemaking for publication in the Illinois Register. Formerly, these analyses were prepared by the Department of Commerce and Economic Opportunity during the First Notice period. Analyses prepared by an agency must be submitted to both DCEO and JCAR. DCEO still must prepare an analysis before or during First Notice if requested to do so by the Governor, JCAR, a local government, 25 or more individuals, or an organization representing at least 100 people. DCEO may also continue to prepare economic analyses at its discretion. Certain Pollution Control Board rulemakings (e.g., identical-in-substance to federal regulations) are exempt from the analysis requirement.

PA 96-958 (effective 7/1/10), the FY 11 Emergency Budget Act, amends the IAPA to allow all agencies, through 1/9/11 (later extended through 6/30/11), to use emergency rulemaking for FY11 budget implementation and removes the prohibition against adopting the same emergency rule more than once in a 24-month period. The IAPA provisions are the same as those enacted in FY10 and similar to those enacted in previous fiscal years. The provisions apply to all agencies (in FY07 and 08, the amendment applied only to HFS medical assistance programs).

# Judicial Activity Relating To

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## JCAR and IAPA

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Since JCAR's function is closely related to the interpretation of the Illinois Administrative Procedure Act (IAPA), it monitors court decisions and Attorney General opinions that affect the interpretation of the Act. One of the enumerated responsibilities of JCAR under the Act is "to study the impact of legislative changes, court rulings and administrative action on agency rules and rulemaking" [5 ILCS 100/5-105(c)]. This summary highlights significant judicial actions since enactment of the IAPA and discusses current activity.

### KEY INTERPRETATIONS OF THE IAPA

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- Two past decisions construing the IAPA in accordance with positions supported by JCAR are especially noteworthy. The cases involved an attempt by the Department of Public Aid (now, the Department of Healthcare and Family Services) to change the method by which it calculated Medicaid payments to nursing homes. In the first case, *Senn Park I (Senn Park Nursing Center v. Miller*, 118 Ill. App. 3d 504, 455 N.E.2d 153, 74 Ill. Dec. 123 (1983)), the First District Appellate Court held that DPA's failure to follow the IAPA rulemaking procedures invalidated a new method it utilized for calculating Medicaid payments. The court stated that the definition of a "rule" found in Sec. 1-70 of the IAPA should be broadly construed in order to safeguard the public's right to comment on proposed agency policies. DPA's change in calculating the Medicaid payments, the court ruled, fell within the Sec. 1-70 definition of rule since it was a statement of general agency policy. As that policy was not adopted in compliance with the IAPA, it was invalid.

DPA also argued that the amended procedure was exempt from the notice and publication requirements by Sec. 5-35(c) of the IAPA because the State Plan was a contractual arrangement with the federal government, and was exempt under the contracts exception of the IAPA. Sec. 5-35(c) states that: "The notice and publication requirements of this Section do not apply to a matter relating solely to agency management...or to public property, loans or contracts."

*Senn Park II (Senn Park Nursing Center v. Miller*, 118 Ill. App. 3d 733, 455 N.E.2d 162, 14 Ill. Reg. 132 (1983)) also addressed use of emergency rulemaking, and the Appellate Court ruled that an emergency rule in that instance in which the underlying "emergency" was created by the agency's failure to follow these (notice and comment) procedures (of the IAPA) in the first place, resulting from "an avoidable administrative failure to properly enact a rule in accordance with statutory requirements", was improper in that instance.

Both cases were consolidated for consideration by the Supreme Court. JCAR filed an amicus brief with the Illinois Supreme Court arguing that the inflation update procedure did not fall within the contract's exception. The Supreme Court agreed with the appellate court's interpretation of the contract's exception in which the lower court stated:

We are persuaded that under the IAPA, as under the Federal APA, a matter comes under the contract exception only when contracts are clearly and directly involved.... We believe that with regard to nursing homes, contracts, whether State-Federal or agency-provider, are not clearly and directly involved.... Accordingly, we conclude that the amended inflation update procedure is not a matter relating to contracts within the meaning of the IAPA. (118 Ill. App. 3d at 511)

The Supreme Court also stated that it is clear that the rulemaking procedure is intended to give interested persons an opportunity to submit their views and comments on rulemaking changes and that an agency must consider all submissions received. The court acknowledged that there are certain statutory exceptions to the notice and comment procedures, but that exceptions are of a limited nature and should be appropriately applied.

The court also agreed with the appellate court ruling that the amended inflation update procedure fell within the purview of the IAPA because the Public Aid Code incorporates the IAPA and the Code specifically requires rulemaking pursuant to the IAPA "during the process of establishing the payment rate for skilled nursing and intermediate care services, or when a substantial change in rates is proposed," in order to provide "an opportunity for public review and comment on the proposed rates prior to their becoming effective". [305 ILCS 5/5-5.7] (118 Ill. App. 3d at 512) The court found that the amended procedure fell within the definition of "rule" found in the IAPA and thus the failure of DPA to follow the notice and comment procedures required by the IAPA rendered the amended procedure invalid.

Following the decision of the appellate court in *Senn Park I*, DPA promulgated Emergency Rule 4.14221 implementing the amended inflation update procedure pursuant to the IAPA. Plaintiffs (*Senn Park II*) sought a declaratory judgment, asking the court to declare Emergency Rule 4.14221 void because there was no "emergency" as that term is defined in the IAPA. On 12/30/80, DPA withdrew the emergency rule. On appeal, the appellate court held that although the rule was withdrawn, the validity of the rule was at issue in order to determine the amount of reimbursement the plaintiffs were entitled to in *Senn Park I*. The appellate court further held that the circuit court had erred in finding the emergency rule valid because there was no emergency as that term is defined under the IAPA. The Supreme Court ruled that no emergency situation existed warranting use of emergency rulemaking.

- In *Sleeth v. Illinois Department of Public Aid* (125 Ill. App. 3d 847, 466 N.E.2d 703, 81 Ill. Dec. 117 (1984)), the Third District Appellate Court considered an appeal from a DPA decision to terminate disability benefits in 5 cases. The court found that the procedure utilized by the Department (Manual Release No. 83.5), which required applicants who were denied disability benefits to submit proof of disability within 14 days after the filing of appeal, was a "rule" under the IAPA. The IAPA states:

"Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include (i) statements concerning

only the internal management of an Agency and not affecting private rights or procedures available to persons or entities outside the Agency, (ii) informal advisory rulings issued under Section 5-150, (iii) intra-agency memoranda, (iv) the prescription of standardized forms, or (v) documents prepared or filed or actions taken by the Legislative Reference Bureau under Section 5.04 of the Legislative Reference Bureau Act.

DPA contended the Manual Release was merely an intra-office memorandum, not subject to the IAPA. The court reasoned that the memorandum affected private rights and procedures available to persons outside DPA and that this type of statement by an agency is specifically included within the definition of "rule" under the Act. Since the memorandum was not properly promulgated pursuant to the IAPA, the court held the rule invalid and determined that the procedures followed by DPA violated State law.

- In *Kaufman Grain Co., Inc. v. Director, Department of Agriculture* (179 Ill. App. 3d 1040, 534 N.E.2d 1259, 128 Ill. Dec. 654 (1989)), the Fourth District Appellate Court held that DOA had no statute or rule that allowed it to settle disputes between a grain producer and a grain dealer or a grain warehouse. DOA improperly relied on policy that was not properly promulgated as rules in accordance with the IAPA and, therefore, was without authority to adjudicate such grain disputes. The *Kaufman* case is significant for the ruling of the court concerning attorney's fees. Sec. 10-55 of the IAPA provides that, in any case in which a party has any administrative rule invalidated by a court for any reason, the court shall award the party bringing the action the reasonable expenses of the litigation, including reasonable attorney's fees. The appellate court ruled that Kaufman was entitled to the award of attorney's fees it reasonably incurred in this litigation, including the fees incurred in the proceedings before the Department. The court stated that Sec. 10-55 of the IAPA gives those subject to regulation an incentive to oppose doubtful rules where compliance would otherwise be less costly than litigation. Therefore, the court awarded fees for the proceedings before DOA, as well as fees incurred in administrative review proceedings, noting that proceedings before an administrative agency are quite often more costly and time consuming than administrative review proceedings. The *Kaufman* case illustrated trends of the courts to rule unfavorably against agencies that have not promulgated their policies properly under the IAPA. The *Kaufman* decision specifically cites *Senn Park* and further strengthens the precedent it established. Award of attorney's fees was further strengthened in *Citizens Org. Proj. v. Dept. of Nat. Res.* (89 Ill. 2nd 593, 725 N.E.2d 195, 244 Ill. Dec. 896 (2000)), in which the Supreme Court affirmed the award of attorney's fees and litigation expenses where a citizen group obtained invalidation of a DNR rule governing a DNR permit decision.
- In *Coronet Insurance Company v. John E. Washburn, Director of Insurance of the State of Illinois* (201 Ill. App. 3d 633, 558 N.E.2d 1307, 146 Ill. Dec. 973 (1990)), the First District Appellate Court of Illinois held that an administrative agency may enact rules and regulations as limited by the authorizing statutory language; that an administrative rule carries with it the same presumption of validity as the statute; and a rule that is consistent with the spirit of the statute and furthers its purpose will be sustained. The appellate court also ruled that

DOI's failure to give at least 45 days notice of a proposed rule to the general public did not constitute violation of the IAPA, since the Act provides that changes in the text of a proposed rule may be made during the First Notice period and that such changes need not be published again prior to submission to JCAR.

- In *CIPS v. Illinois Commerce Commission* (268 Ill. App. 3d 471, 644 N.E. 2d 817, 206 Ill. Dec. 49 (1994)), the Fourth District Appellate Court ruled that JCAR did not create an impermissible filing prohibition when it informed ICC it would lift its filing prohibition on a proposed rule formulating rental rates for cable TV attachments to utility poles if the ICC removed allocation of the portion of pole neutral space to cable television.
- In *Weyland v. Manning* (309 Ill. App. 3d 542, 723 N.E.2d 387, 243 Ill. Dec. 355 (2000)), plaintiffs filed an action contesting a rule adopted by the Department of Natural Resources establishing a restricted boating zone on Griswold Lake. One element at issue was the adequacy of the Second Notice filed by DNR with JCAR. The Second District Appellate Court held that DNR complied with JCAR rule requirements that it list and analyze all comments concerning the rule and that its failure to list in the Second Notice persons who had requested a public hearing did not invalidate the rule.
- Payday Lending Rules: The regulation of short term (payday or cash for car title) loans involved rules ultimately adopted by the Department of Financial Institutions and/or Office of Banks and Real Estate. After JCAR Objection and after a Filing Prohibition expired, DFI adopted rules regulating the payday loan/cash for car title industries that were immediately challenged in *South 51 Development Corp, et al., v. Vega* (335 Ill.App.3d 542, 269 N.E.2<sup>nd</sup> 528 (2002)). The chief argument of plaintiffs was that there was an improper delegation of rulemaking authority to DFI. The court held that there was a valid delegation of legislative authority (the statute on which the rulemaking was based was somewhat sparse) and that the small business impact analysis performed at the time by DCCA (now, DCEO) was facially sufficient, albeit not submitted to JCAR by the end of the first notice period.
- *Corey H. v. Board of Education of City of Chicago* (No. 92-C-3409, U.S. District Court for the Northern District of Illinois, Eastern Division). In 1992, disabled students brought an action against the Chicago Board of Education and State Board of Education alleging systemic failures to educate children with disabilities in the least restrictive environment (LRE), as required by the federal Individuals with Disabilities Education Act (IDEA). SBE and CBE entered into a settlement agreement with the plaintiffs. Under the settlement agreement, Judge Gettleman ordered SBE to change its policy on certification structure and standards for special education teachers through peremptory rulemaking. SBE filed 2 peremptory rulemakings to change special education teacher certification endorsement and create common core standards for all teachers. The first peremptory rule (titled Certification; 23 Ill. Adm. Code 25; 24 Ill. Reg. 16109) was objected to by JCAR on 11/14/00. SBE refused to withdraw the peremptory rule, stating it was not in a position to do so because it was under a federal judge's order. The rule was then suspended by JCAR on 2/21/01. The second peremptory rule (Standards for Certification in Special Education; 23 Ill. Adm. Code 28; 24 Ill. Reg. 16738)

was objected to and suspended by JCAR on 1/9/01. SBE did not respond. On 2/27/01, Judge Gettleman ordered SBE to implement both rulemakings, regardless of the JCAR suspensions.

Pursuant to IAPA requirements, SJR 26 was introduced in the General Assembly to continue the 2 suspensions. (At the time, Sec. 5-125 of the IAPA stated that if a joint resolution passed both houses of the General Assembly within the 180 days of the JCAR suspension, the rule would be considered repealed and the Secretary of State must immediately remove the rule from the collection of the effective rules.) SJR 26 passed the Senate on 5/21/01 with a vote of 56-0-0 and passed the House on 5/31/01 with a vote of 117-0-0. This was the first time a joint resolution of this nature passed both houses of the GA. As directed by Judge Gettleman, SBE implemented the settlement order as agency policy outside rule.

Downstate special education teachers and students then filed a motion to intervene, to allow them input into the teacher certification policies that would be effective statewide (*Reid L. v. Illinois State Board of Education and Corey H., No. 01-C-4180*). Judge Gettleman denied the Reid request. The U.S. Seventh Circuit Court of Appeals affirmed the district court. In the interim, the G.A. adopted PA 92-79 addressing many of these issues.

- In *Champaign-Urbana Public Health District v. ILRB* (354 Ill. App.3d, 482, 821 N.E.2d, 691, 290 Ill. Dec. 379, (2004)), the 4<sup>th</sup> District appellate court ruled that Illinois Labor Relation Board's use of emergency rulemaking to implement its card recognition rules was not an emergency under the IAPA, despite the fact the agency was implementing a recently enacted PA with an immediate effective date. The court said no emergency existed because union recognition could still occur under the existing methods or the union could wait until the new permanent rules were promulgated:

"(N)o facts have been presented to show that without the emergency rules the public would be confronted with a threatening situation.... The reason for adopting an emergency rule 'should be truly emergent and persuasive to a reviewing court and considerations of administrative and fiscal convenience alone do not satisfy that standard. Agencies may not adopt emergency rules to eliminate an administrative need that does not threaten the public interest, safety, or welfare.' Here, the Board's reasoning for implementing the emergency rules can best be characterized as one for administrative convenience and not because of any stated public threat. Thus, the rules adopted by the Board...were invalid...."

A similar finding was reached by the 2<sup>nd</sup> District appellate court concerning the Board's use of emergency rulemaking in *County of Du Page v. ILRB* 358 Ill. App. 3d 174, 830 N.E.2d 709, 294 Ill. Dec. 297 (2005) concerning sheriff's deputies in DuPage county. In these instances, courts have taken a narrower view of the appropriate use of emergency rulemaking than JCAR's historical position. JCAR has voted procedural Objections or Recommendations when agencies have employed emergency rulemaking to implement Public Acts when adequate time

for regular rulemaking was present (the "agency created" emergency situation spoken of in *Senn Park*), but has seldom taken adverse action because an agency acted promptly to implement a recent Public Act through emergency rulemaking.

## RECENT JUDICIAL ACTION AND LITIGATION

- The case of *Caro v. Blagojevich* (Circuit Court, Cook County, 07-CH-45464) was filed 11/26/07 in Cook County challenging the Governor's expansion of medical assistance under Family Care. Plaintiffs were Richard Caro, Ronald Gidwitz and Gregory Baise. Defendants were Gov. Rod R. Blagojevich, the Department of Healthcare and Family Services, HFS Director Barry Maram, and Comptroller Daniel Hynes. Gregory and Robin Jackaway and Elissa and Daniel Jeslis, clients of the expanded medical assistance program, later joined the case as Defendant-Intervenors. Plaintiffs sought to halt the Director's continued enforcement and implementation of HFS' emergency rule expanding medical assistance eligibility under Family Care to families earning up to 400% FPL, a rule that had been suspended by JCAR on 11/13/07.

Plaintiffs argued the rule violated the Illinois Constitution and statutes, including the IAPA. They sought an injunction against HFS and its Director from enforcing or implementing the rule. Among the defenses raised by HFS was an argument that the JCAR Suspension was unconstitutional, based on cases from other states supportive of that position.

On 4/15/08, Circuit Judge James Epstein issued a preliminary injunction ordering HFS to cease expending any public funds related to Family Care program and ordering the Comptroller not to authorize such payments (the order was later stayed with respect to the Comptroller). Judge Epstein did not rule on the constitutional issues raised, instead citing HFS' failure to include a work requirement as a condition of Family Care eligibility. (Federal and State statutes require medical assistance recipients to meet the same non-income criteria as TANF recipients.) Defendants appealed this injunction to the First District Appellate Court, which upheld Judge Epstein's decision on 9/26/08.

HFS responded to the order by filing a peremptory rule imposing the work requirement upon Family Care recipients. JCAR suspended the peremptory rule on 5/20/08 because the injunction did not direct HFS to file a peremptory rule and the rule did not meet that or any of the other IAPA conditions for peremptory rulemaking.

In February 2008, HFS presented to JCAR a proposed permanent version of the rule expanding Family Care eligibility. JCAR issued a Filing Prohibition against the rule on 2/26/08. HFS then attempted on 3/10/08 to file the prohibited rule with the Secretary of State, and this filing became the subject of a new lawsuit, *HFS v. White* (below).

On 10/15/08, Judge Epstein issued another preliminary injunction barring HFS from expending any public funds to implement Family Care under the permanent or peremptory rules and ordering the Comptroller not to authorize such payments. HFS then claimed that the order

could be interpreted in a manner that would force the agency to stop payments on all its medical assistance programs (affecting more than 500,000 Illinois residents). Based on HFS' argument, the Illinois Supreme Court, on 11/12/08, issued a stay of enforcement of the preliminary injunction, allowing HFS to continue implementing the program until the merits of the case could be decided.

In December 2008, the Special Investigative Committee of the Illinois House considering articles of impeachment against Gov. Blagojevich included *Caro* among its exhibits. The article of impeachment approved by the House on 1/9/09 (95<sup>th</sup> GA) and 1/14/09 (96<sup>th</sup> GA), and sustained by the Senate on 1/29/09, thereby removing Blagojevich from office, included the violation of the IAPA cited in *Caro* among various charges of abuse of power.

On 7/1/09, Judge Epstein approved a settlement agreement among Gov. Patrick Quinn (replacing Blagojevich as a defendant), all other defendants, and the plaintiffs. The agreement included approval of legislation (PA 96-20, signed 6/30/09) allowing persons who were enrolled in the expanded Family Care program as of the legislation's effective date to remain in the program, with no new enrollees accepted after that date. All pending appeals of the case were dismissed. HFS filed emergency rules to implement PA 96-20 on 7/1/09 and identical permanent rules took effect on 11/2/09 and 11/16/09.

- In *Department of Healthcare and Family Services v. White* (Circuit Court, Cook County, 08-CH-11822), HFS and Director Maram filed suit against Secretary of State Jesse White on 3/28/08. HFS, on 3/10/08, attempted to file the proposed Family Care expansion rule that JCAR had prohibited on 2/26/08. SOS refused to accept it, citing the suspension that was still in effect on the earlier emergency rule, which, under the IAPA, prevents any other rule with the same effect from being filed. HFS argued that JCAR's Suspension of the emergency rule was invalid and that SOS had a duty to accept and publish the permanent rule in the Illinois Register. The case was dismissed at the defendants' request on 7/1/09 as part of the settlement agreement in *Caro*.
- The cases of *Menges v. Blagojevich* (U.S. District Court, Central District; 3:05-CV-03307-JES-BGC) and *Morr-Fitz, Inc. v. Blagojevich* (Circuit Court, Sangamon County, 2005-CH-495) concern an emergency rule adopted by the Department of Financial and Professional Regulation on 4/1/05 (29 Ill. Reg. 5586) and an identical permanent rule adopted on 8/25/05 (29 Ill. Reg. 13639) requiring all Division I (retail) pharmacies to dispense contraceptives. Both cases generally involve pharmacists with religious objections to filling contraceptive prescriptions. Pharmacists John Menges and Peggy Pace filed the federal suit against the emergency rule, contending that it violated the Health Care Right of Conscience Act [745 ILCS 70], the Illinois Human Rights Act [775 ILCS 5] and Title VII of the federal Civil Rights Act of 1964 (PL 88-352, amended by PL 102-166) by forcing them to dispense emergency contraceptives against their religious convictions. An agreed joint motion to stay the case was entered on 10/9/07, under which DFPR agreed to amend its rules to allow pharmacists to refuse to fill prescriptions based on their religious beliefs, and to require pharmacies to either provide a non-objecting pharmacist to fill such prescriptions or provide remote prescription dispensation from another pharmacy. DFPR adopted a rulemaking with the agreed upon

language (32 Ill. Reg. 7116) effective 4/16/08.

The Illinois Supreme Court, on 12/18/08, remanded *Morr-Fitz, Inc.*, to the circuit court for hearing. The case had originally been dismissed from the circuit and appellate courts on grounds that the plaintiffs lacked standing to challenge the rule and the issues were not yet ripe for decision. The Supreme Court disagreed, adding that the rules DFPR filed in response to *Menges*, and other factors, made the case ripe for resolution. Circuit Judge John W. Belz issued a temporary restraining order on 4/3/09 and a preliminary injunction on 8/26/09 barring DFPR from enforcing its rules against the plaintiffs until the case is resolved. The *Morr-Fitz* case will go forward at trial in the spring of 2011 on largely the various religious grounds, but one count argues that there was no basis for the underlying emergency rule. This last point tracks a bit with the findings of the courts in the Illinois Labor Relations Board cases (see previous section), in which the courts found no emergency basis for emergency rulemaking was present.

# FILING PROHIBITIONS AND SUSPENSIONS ISSUED BY JCAR

*IR = Illinois Register; IAC = Illinois Administrative Code*

DATE	AGENCY	ACTION	BASIS	ISSUE
1/28/10				
6/16/81	Health Fin Auth 4 IR 1915	Prohibition	Economic Impact/ Statutory Authority	Implements IHFA Act. Improper definition of "hospital services"; flawed reporting requirements; payor differentials; tries to establish a "contingent liability" agreement with the federal government.
4/13/82	EPA/DPH 4 IR 4669	Prohibition	Economic Impact	Public water supply samples; land & water samples; new regs on milk & milk products. Inadequate economic impact analysis; burdensome requirements for wastewater testing laboratories.
1/8/86	DNS 32 IAC 505 9 IR 1573	Prohibition	Economic Impact/ Federal Preemption	Extensive and burdensome regulation of nuclear steam-generating facilities.
9/23/87	DPR 68 IAC 250 11 IR 3836	Prohibition	Legislative Intent/ Freedom of Speech/ Economic Impact	Limitation on pre-need solicitation and sale of funeral arrangements.
3/7/90	DPR 68 IAC 1400 13 IR 2913	Prohibition	Economic Impact/ Statutory Authority	Requirements for clinical psychologist licensure conflicted with statute or lacked statutory authority.
9/17/91	DCFS 89 IAC 300 15 IR 8735	Prohibition	Statutory Authority/ Legislative Intent	Disallowed a statutorily required Christian Science exemption in the definition of "neglected child".
1/8/92	DOI 50 IAC 2008 15 IR 14859	Prohibition	Economic Impact	Unlawful discrimination against the elderly by severely limiting the commission earned on the sale of Medicare supplement insurance policies, potentially restricting availability.
1/8/92	Aging 89 IAC 240 15 IR 17398	Suspension	Economic Impact	Program cutbacks without adequate notification and protection of elderly clients.
5/11/93	OSFM 41 IAC 100 16 IR 15681	Prohibition	Conflicting Regulations/Statutory Authority	Conflict between OSFM and DCFS on standards.
9/14/93	DOC 17 IAC 590, 17 IR 4554	Prohibition	Legislative Intent	Limits number of persons who can hunt geese from a single blind or hut to 3, without sufficient justification.
10/12/93	DPA 89 IAC 144, 140	2 Suspensions	Statutory Authority/ Legislative Intent	Reduction in payments to facilities caring for DD clients, in contradiction of PA 88-88.

	17 IR 15126 17 IR 15162				
11/16/93	DFI 38 IAC 130 17 IR 6929	Prohibition	Economic Impact/ Legislative Intent	Unfair rate structure for cashing public aid checks.	
12/14/93	ICC 83 IAC 315 93 IR 202	Prohibition	Economic Impact/ Overburdensome Regulation	Unfair rates paid by cable TV companies to utilities for use of pole space.	
9/13/94	DPH 77 IAC 790 18 IR 3205, 3202	2 Prohibitions (New Rule & Repeal)	Statutory Authority/ Legislative Intent	Inclusion of drug products in the III. Drug Formulary that were not deemed equivalent by FDA or were exempt from FDA consideration.	
11/15/94	DPA 89 IAC 140 18 IR 10922	Suspension	Statutory Authority	Medicaid coverage of abortions in rape/incest cases conflicted with statute limiting coverage to endangerment of mother's life.	
2/7/95	SBE 23 IAC 401 18 IR 9756	Prohibition	Statutory Authority	Regulation of nonpublic special education facilities without statutory authority.	
4/18/95	DASA 77 IAC 2090 19 IR 1156	Prohibition	Statutory Authority/ Legislative Intent/ Due Process	Alcoholism/substance abuse centers applying for certification as Medicaid providers with deficiencies in treatment programs will have applications denied with no chance for remediation and no chance to appeal the denial.	
10/15/96	ICC 83 IAC 761, 762, 763, 764 20 IR 8416, 8407, 8393, 8395, 8527, 8541	2 (761, 763) Suspensions 4 Prohibitions (83 IAC 761, 762, 763, 764)	Overburdensome Regulation	Complex discovery procedures hinder ICC's ability to make an arbitration decision involving local telephone carriers and long distance carriers initiating local service within federal timeframes.	
3/18/97	DNR 17 IAC 850 21 IR 322	Prohibition	Economic Impact	Eliminated commercial perch fishing on Lake Michigan will have an undue economic impact on the regulated business.	
11/12/97	DPH 77 IAC 290 21 IR 13908	Suspension	Legislative Intent/ Adverse Impact on Availability of Adequate Health Care Facilities	Health facility plan review is statutorily required only for construction projects costing over \$5,000, not all projects.	

2/17/99	SBEL 26 IAC 201, 202 22 IR 7858, 7862	2 Prohibitions	Statutory Authority/ Legislative Intent	Creates a system for SBEL staff review of nominating petitions for apparent conformity that is not consistent with statutory petition review procedures.
4/11/00	ICC 83 IAC 726 24 IR 1	Prohibition	Statutory Authority/ Economic Impact/ Undue Reg. Burden	Extends application of Enhanced 9-1-1 requirements to schools, governments and not-for-profits in addition to the statutorily intended private businesses, corporations and industries.
6/13/00	ICC 83 IAC 727 24 IR 8635E	Suspension	Statutory Authority/ Economic Impact	Extends application of Enhanced 9-1-1 requirements to schools, governments and not-for-profits in addition to the statutorily intended private businesses, corporations and industries.
11/29/00	DFI 38 IAC 110 24 IR 11717	Prohibition	Economic Impact	This attempt to regulate short-term (payday) loans and cash for title loans creates an unreasonable economic burden for small lenders, which could result in diminished availability of loans for consumers with limited options.
1/9/01	ICC 83 IAC 727 24 IR 8454	Prohibition	Statutory Authority	Extends application of Enhanced 9-1-1 requirements to schools, governments and not-for-profits in addition to the statutorily intended private businesses, corporations and industries.
1/9/01	SBE 23 IAC 28 24 IR 16738	Suspension	Economic Impact	Under these preemptory rules, teachers will not be as qualified to teach children with special needs as current rule provides. Also, teachers will need additional training, which could result in fewer qualified teachers available to serve special education students.
2/21/01	SBE 23 IAC 25 24 IR 16109	Suspension	Economic Impact	Continued enforcement would constitute a serious threat to the welfare of special education students. Implementation may result in unqualified teachers being assigned to students for whom the teacher has no training or preparation.
11/19/02	DPA 89 IAC 120 26 IR 5047	Prohibition	Statutory Authority under Federal Law	Exceeds federal statutory authority by adding restrictions on determining whether an annuity was transferred at fair market value.
11/18/03	OBRE 38 IAC 375, 1000, 1075 27 IR 16024, 16029, 16043	3 Suspensions	No Legitimate Emergency	Increases fees assessed on financial institutions without proving the existence of a situation meriting the use of emergency rulemaking.
2/18/04	DPR 68 IAC 1370 28 IR 1760	Suspension	Lack of standards	Lacks sufficient standards to be applied in determining whether a purported kickboxing event is actually an ultimate fighting event. (Amateur and professional kickboxing events are exempt from DPR's authority to ban ultimate fighting.)

2/18/04	ICC 92 IAC 1710 27 IR 8600	Prohibition	Economic Impact	Increasing the amount a commercial relocater of trespassing vehicles is charged for filing relocation tow record forms and numbers, regardless of whether the relocater is reimbursed for the tow, may create an undue economic burden on these businesses, which may result in a decrease in relocater availability.
7/13/04	BHE 23 IAC 1020 28 IR 284	Prohibition	Statutory Authority/ Policy Outside Rule	Statute specifies programs eligible for Health Service Education Grants and does not give BHE authority to further limit that eligibility.
1/11/05	DPH 77 IAC 860, 870, 880, 885 28 IR 1652, 1674, 2613, 1684, 1717	4 Prohibitions	Threat to the Public Interest	DPH failed to give all affected parties the opportunity to discuss the proposed manufactured housing rulemakings and potential amendments, creating a threat to the public interest.
6/14/05	ESRB 41 IAC 220 29 IR 1101	Prohibition	Statutory Authority	Creates elevator safety rules - Numerous provisions conflicted with statute or lacked statutory authority.
4/11/06	SBE 23 IAC 305 30 IR 86	Prohibition	Threat to the Public Interest	Sets school nutrition standards that do not provide a total approach to child nutrition through diet, nutrition education and exercise; preempts the purview of the State Task Force on Wellness that is to consider the issue of school nutrition and report to the Governor and the General Assembly by January 2007; and largely excludes local school district input and expertise in development of the proposal.
7/11/06	DCFS 89 IAC 406, 408 29 IR 18180, 18207	2 Prohibitions	Economic Impact	The rulemakings lack clarity, which threatens the public interest in that applicants/licensees and the families they serve could be adversely economically impacted.
7/11/06	DFPR 38 IAC 110 30 IR 2449	Prohibition	Statutory Authority	No statutory authority to apply Payday Loan Reform Act restrictions to Consumer Installment Loan Act licensees.
1/11/06	DOL 56 IAC 220 29 IR 19106	Prohibition	Statutory Authority	The provisions regarding when employee breaks may be taken are not statutorily required and appear to be unduly restrictive without significant benefit.
1/9/07	SBE 23 IAC 226 30 IR 4421	Prohibition	Threat to the Public Interest	Incorporates Special Education federal rules – Adoption of policies is not mandated by the USDoE and poses a serious threat to the interests of children with disabilities and special education teachers.

2/6/07	DOA 8 IAC 25 30 IR 14664	Prohibition	Statutory Authority	Regulation and licensing of dog daycare – DOA inadequately justified the need for this new regulatory activity, which was not specifically authorized by statute.
3/13/07	ESRB 41 IAC 1000 30 IR 16522	Prohibition	Threat to the Public Interest	Creates elevator safety rules – Adoption of 1 <sup>st</sup> Notice modification requiring mechanics to work under the direct supervision of a licensed contractor without an opportunity for public to comment is a serious threat to the public interest.
6/19/07	CMS 44 IAC 1 30 IR 19577	Prohibition	Statutory Authority	Allows piggybacking and multi-government procurement. CMS lacks statutory authority to permit numerous purchasing procedures and requirements of the Procurement Code to be bypassed.
9/18/07	DFPR 50 IAC 937 31 IR 10699E	Suspension	No Emergency	Sets supplemental quarterly reporting requirements for health insurance firms. No emergency situation warranted adoption of an emergency rule. Use of emergency rulemaking imposes new costs without the opportunity for prior review and comment by the affected public.
10/10/07	DFPR 50 IAC 937 31 IR 10546	Prohibition	Statutory Authority	Sets supplemental quarterly reporting requirements for health insurance firms. No statutory authority.
11/13/07	HFS 89 IAC 120 31 IR 15854E	Suspension	No Emergency	Expands FamilyCare to relatives of children receiving medical assistance with incomes of up to 400% FPL; picks up coverage for persons formerly receiving medical care under a federal State Children's Health Insurance Program waiver that expired 9/30/07.
1/11/08	HFS 89 IAC 140 31 IR 13570	Prohibition	Economic Impact	Authorizes medical assistance payment for routine examinations and preventive services for persons over 18 (currently children only).
1/11/08	DPH 77 IAC 975 31 IR 13672	Prohibition	Due Process	Implements Smoke Free Illinois Act.
2/13/08	HFS 89 IAC 147 32 IR 415	Suspension	No Emergency	Retools the Minimum Data System of determining reimbursement rates for medical assistance.
2/26/08	HFS 89 IAC 120 31 IR 15424	Prohibition	Economic Impact	Expands FamilyCare to relatives of children receiving medical assistance with incomes of up to 400% FPL; picks up coverage for persons who have been receiving funds under the federal waiver that expired 9/30/07.
5/20/08	HFS 89 IAC 120 32 IR 7212	Suspension	Improper Use of Peremptory Rulemaking	Requires medical assistance recipients to meet TANF work requirements (FamilyCare). IAPA allows use of peremptory rulemaking to implement a court order. There was no court order.

5/20/08	HFS 89 IAC 140 32 IR 6743	Suspension	Improper Use of Peremptory Rulemaking	Requires use of tamper-resistant prescription pads in order for a prescription to be eligible for Medicaid reimbursement. The IAPA deadline for implementing a federal requirement by peremptory rulemaking was exceeded.
6/17/08	SBE 23 IAC 401 32 IR 4843	Suspension	No Emergency	Nonpublic and out-of-state providers of special ed services to students with disabilities must maintain a written policy that use of behavioral intervention strategies relying on pain will not be applied to any student.
9/16/08	SBE 23 IAC 401 32 IR 4705	Prohibition	Contravenes Statute	Nonpublic and out-of-state providers of special ed services to students with disabilities must maintain a written policy that use of behavioral intervention strategies relying on pain will not be applied to any student.
11/19/08	HFS 89 IAC 120 32 IR 18889	Suspension	Improper Use of Peremptory Rulemaking	Requires medical assistance recipients to meet TANF work requirements (FamilyCare). IAPA allows use of peremptory rulemaking to implement a court order. There was no court order.
11/19/08	DHS 89 IAC 121 32 IR 16905	Suspension	Improper Use of Peremptory Rulemaking	Implements provisions at the federal Food, Conservation and Energy Act of 2008 that made FS coupons obsolete after 6/18/08.
3/17/09	HFS 89 IAC 140 32 IR 14003	Prohibition	Statutory Authority	HFS may deny participation in the medical assistance program to providers that owe a debt to HFS or if HFS receives credible evidence of fraud or willful misrepresentation under the medical assistance program.
6/16/09	HFS 89 IAC 140 32 IR 13761	Prohibition	Threat to the Public Interest	Describes group psychotherapy sessions eligible for medical assistance reimbursement.
6/16/09	DHS 89 IAC 686 33 IR 7017	Suspension	No Emergency	Implements enhanced rates to assist qualifying homemaker agencies providing healthcare coverage to their direct service employees
7/14/09	DNR 17 IAC 3703 32 IR 14445	Prohibition	Economic Impact	Designates exclusion zones for run-of-river dams and sets specifications for signs and devices warning persons using public waters of the presence of dams.
9/15/09	DHS 89 IAC 112, 114 33 IR 5201, 5228	2 Prohibitions	Statutory Authority	Removes assets from consideration when determining an individual's eligibility for TANF and General Assistance.
9/15/09	DHS 59 IAC 270 33 IR 7054	Prohibition	Contravenes IAPA	Autism Research Fund grants. The rulemaking did not include sufficient grantmaking procedures and standards.

8/10/10	IEMA 32 IAC 330 33 IR 12061	Prohibition	Economic Impact	Exempts specified water and sewage treatment residuals or sludges containing naturally occurring radium from statutory registration, licensure, fee and reporting requirements and instead requires registration with IEMA.
10/19/10	DFPR 68 IAC 1249 34 IR 5047	Prohibition	Economic Impact	Implements the Cemetery Oversight Act.

IAC = Illinois Administrative Code  
IR = Illinois Register

# HISTORY OF GENERAL RULEMAKING BY AGENCY

1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Administrative Rules, Joint Committee on	19	-	-	1	7	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aging, Department on	45	5	2	5	2	5	3	6	7	2	1	2	1	5	-	1	1	2	3	2	1	2
Agriculture, Department of [16]	237	7	2	18	17	13	22	15	14	17	18	7	13	13	11	13	5	11	2	3	2	15
Architect of the Capitol, Office of the [38]	0	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Attorney General	23	1	1	1	-	-	1	-	-	3	2	3	-	2	1	1	3	1	1	-	2	3
Attorney General's Ethics Commission	0	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Auditor General	25	2	-	-	-	-	2	-	-	-	3	-	-	-	-	-	2	-	1	2	-	1
Banking Board of Illinois, State	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Capital Development Board [29]	35	-	-	2	1	-	2	11	8	6	2	7	8	1	3	2	2	2	3	-	1	4
Carnival-Amusement Safety Board	7	1	-	2	1	1	-	-	2	-	1	-	1	-	2	-	1	-	-	-	1	-
Central Management Services, Dept. of [2]	156	14	14	19	14	6	16	15	12	11	16	19	18	29	11	11	20	22	10	10	12	7
Children & Family Services, Department of	177	7	6	12	13	16	22	23	20	13	8	22	13	20	11	8	8	8	9	7	11	15
Civil Service Commission	4	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Civil Service System, State Universities	16	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	1	1	2	1
Commerce & Econ. Opport., Dept. of [15][23][25]	150	19	16	13	8	7	4	5	3	4	5	8	7	7	1	10	4	5	1	4	-	2
Commerce Commission	318	14	16	16	16	16	10	10	14	12	6	15	16	25	40	10	22	3	7	8	6	11
Community College Board	23	3	2	3	2	4	-	5	2	-	3	1	1	2	-	2	1	-	-	1	-	-
Comptroller	36	2	-	1	2	3	-	1	2	1	1	3	3	3	1	-	-	1	-	-	-	-
Comptroller's Merit Commission	0	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cook County Local Records Commission	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corrections, Department of	280	7	4	5	6	-	4	4	6	4	1	-	2	4	-	4	3	3	1	-	1	3
Court of Claims	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-	-
CPA Board of Examiners	0	-	-	-	-	-	1	-	1	-	-	-	-	-	1	1	-	-	1	-	-	1
Criminal Justice Information Authority	8	2	-	2	2	-	-	1	1	1	-	1	4	-	-	1	-	-	-	-	-	-
Deaf and Hard of Hearing Commission	0	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	1
Debt Collection Board	0	-	-	-	-	-	-	-	1	-	-	-	-	2	-	-	-	1	-	-	-	-
Council on Developmental Disabilities	0	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	-
Diversifying Hi Ed Faculty in IL Program Board	1	2	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drycleaner Environmental Response Trust Fund	0	-	-	-	-	-	-	-	-	-	-	2	-	-	-	1	1	3	1	1	-	1
Eastern Illinois University	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Education, State Board of	112	10	5	9	10	10	10	7	6	18	14	4	22	14	8	16	50	23	23	24	23	25
Educational Labor Relations Board	14	-	-	2	-	-	-	-	-	-	-	-	1	-	-	10	-	-	-	-	-	6
Elections, State Board of	43	3	2	-	2	1	1	2	5	5	6	1	-	2	4	5	7	5	4	1	3	5
Electronic Recording Commission	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Elevator Safety Review Board	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Emergency Management Agency [3][24]	82	8	3	12	19	8	5	11	6	12	8	5	10	8	5	3	9	-	7	12	8	4

# HISTORY OF GENERAL RULEMAKING BY AGENCY 1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Employment Security, Department of	66	11	14	8	13	8	3	2	5	1	1	4	2	1	2	5	4	-	2	14	6	8
Environmental Protection Agency	160	6	4	14	4	3	6	5	11	6	5	7	8	3	3	1	3	4	3	5	7	10
Executive Ethics Commission [33]	0	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2	-	1	-	-	-
Experimental Organ Transplantation Proceed. Bd.	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Financial and Professional Regulation [28][35]	450	27	38	41	39	29	43	42	45	61	45	55	29	51	59	32	43	33	30	25	-	32
Finance Authority [30]	39	3	-	4	3	1	1	5	2	1	2	2	2	-	1	-	-	-	-	-	2	1
Fire Marshal	36	4	5	6	1	3	6	5	5	6	-	3	3	6	3	2	3	2	11	8	7	15
Gaming Board	0	-	-	-	-	-	-	2	1	3	2	1	2	2	2	3	3	1	3	6	5	5
Governor	0	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-
Green Government Coordinating Council [34]	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-
Guardianship & Advocacy Commission	11	1	-	1	-	-	-	-	-	-	-	6	-	1	-	-	-	-	-	-	-	-
Healthcare and Family Services, Department of [31]	845	94	78	84	65	43	75	53	39	30	19	23	30	43	32	30	37	32	17	27	23	25
Health Facilities Planning Board [36]	26	-	3	4	5	4	1	2	5	3	7	14	3	4	-	-	4	1	6	4	4	3
Hearing Instrument Consumer Protection Board	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Higher Education CPO	0	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	1	-	-
Higher Education, Board of	45	-	-	1	1	1	-	-	-	1	4	-	-	-	-	1	2	5	1	2	3	1
Historic Preservation Agency	0	1	2	2	-	-	-	1	1	-	-	1	-	1	-	-	-	-	-	-	-	-
Housing Development Authority	16	3	2	5	1	3	1	-	9	3	2	1	3	1	1	-	1	3	1	1	1	2
Human Rights Commission [17]	12	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	2	1	1
Human Rights, Department of	15	-	-	1	1	3	1	1	2	1	1	1	1	2	-	2	2	3	2	5	2	2
Human Services, Department of [11][11][18]	347	40	30	25	34	27	27	38	24	106	69	46	39	34	36	32	15	19	25	19	38	32
Illinois State University	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Insurance, Department of [35]	155	13	12	13	15	6	19	13	13	23	9	18	15	14	10	-	-	-	-	-	-	17
Investment, Illinois State Board of	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	1	1	1
Labor Relations Board [22]	34	8	-	-	4	-	-	5	-	-	-	-	-	4	2	2	-	-	-	-	-	-
Labor, Department of	52	3	2	9	-	1	4	2	3	1	1	12	3	-	-	4	9	-	-	2	4	7
Law Enforcement Training and Standards Bd. [20]	10	2	1	1	-	-	1	-	-	1	-	-	-	-	-	1	1	-	1	1	-	2
Legislative Information System	6	1	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-
Legislative Reference Bureau	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lieutenant Governor	0	-	-	-	1	1	-	-	-	1	1	-	-	1	-	-	-	-	-	1	-	-
Liquor Control Commission	4	-	-	-	1	-	1	-	1	1	3	-	2	2	-	-	-	-	-	1	-	-
Local Records Commission	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Low-Level Radioactive Waste Task Group	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical District Commission	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Military Affairs, Department of [5]	3	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	1	2	-	1	1
Motor Vehicle Theft Prevention Council	0	-	-	2	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

# HISTORY OF GENERAL RULEMAKING BY AGENCY 1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Natural Resources, Department of [10]	739	48	60	73	34	25	55	31	35	60	40	25	52	45	32	47	35	23	29	26	29	33
Nature Preserves Commission	1	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Northeastern Illinois Planning Commission	0	-	-	-	-	1	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-
Obsolete Boards & Commissions	59	1	3	3	3	2	5	-	3	-	-	5	-	-	-	-	-	-	-	-	-	-
Obsolete Higher Ed Boards (BOR, BOG) [13]	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pollution Control Board	394	54	36	29	24	66	11	34	31	17	7	30	12	17	9	20	18	11	19	8	9	27
Prisoner Review Board	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Procurement Policy Board	0	-	-	-	-	-	-	-	-	-	3	-	2	-	-	-	-	-	-	-	-	-
Property Tax Appeal Board	2	-	-	-	-	-	-	1	3	1	1	-	-	-	-	-	5	6	1	1	1	-
Public Health, Department of [21]	611	48	28	46	53	28	29	30	46	38	18	41	30	35	44	18	30	21	21	20	12	46
Purchased Care Review Board [27]	14	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Racing Board	143	40	17	20	25	27	37	16	23	4	4	17	20	16	6	15	22	11	17	20	14	11
Records Commission, State	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	1	-	-
Retirement System, General Assembly	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retirement System, Judges	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retirement System, State Employees'	24	2	1	1	-	-	-	1	2	2	1	2	1	1	-	2	1	2	-	1	1	1
Retirement System, State Universities	3	1	-	-	-	-	-	1	3	-	2	-	1	-	2	2	8	4	-	1	2	1
Retirement System, Teachers'	5	1	1	2	1	1	1	1	2	5	1	2	1	3	1	2	3	2	2	4	2	5
Revenue, Department of [26]	230	35	25	12	20	22	22	33	12	24	11	78	52	41	18	23	11	6	21	33	11	17
Savings Institutions, Board of [12]	0	-	2	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Secretary of State	245	21	14	13	21	13	14	21	27	16	10	14	13	26	7	17	24	25	23	-	23	27
Secretary of State's Merit Commission	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-
Sex Offender Management Board	0	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2	1	-	-	2	-	-
Southern Illinois University, Board of Trustees	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Specialized Care for Children, Division of	0	-	-	-	-	-	-	-	1	-	1	1	-	-	-	-	-	-	-	-	-	-
Sports Facilities Authority	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State Historical Library	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State Mandates Board of Review [39]	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State Police Merit Board [8]	20	-	1	2	1	1	1	2	3	1	1	1	1	3	1	1	-	3	1	-	2	-
State Police, Department of [14]	16	2	1	3	2	-	1	4	2	4	-	4	5	3	6	3	1	2	4	-	2	3
State's Attorneys Appellate Prosecutor [4]	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Student Assistance Commission [9]	77	1	5	10	15	13	8	19	35	15	8	15	10	8	15	9	10	18	8	9	5	7
Toll Highway Authority, Illinois State	0	-	-	-	2	-	-	1	1	-	1	2	-	1	1	1	3	-	-	-	-	1
Transportation, Department of [10]	174	15	32	21	28	18	22	12	13	23	17	19	16	22	14	22	15	26	4	49	12	14
Travel Control Board, Governor's	0	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Travel Control Board, Higher Education	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-

# HISTORY OF GENERAL RULEMAKING BY AGENCY 1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Travel Control Board, Legislative	3	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Travel Regulation Council	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Treasurer	8	-	2	5	7	-	-	-	-	4	-	3	2	2	-	-	4	3	-	-	-	-
University of Illinois, Board of Trustees	9	-	-	1	1	1	1	-	4	-	-	1	-	-	-	-	-	-	-	-	-	-
Veterans' Affairs, Department of	21	-	-	5	-	-	1	-	-	-	-	12	1	1	-	-	-	-	-	-	2	1
Violence Prevention Authority	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Workers' Compensation Commission [32]	25	6	1	2	-	-	4	-	-	-	-	-	-	-	-	-	-	1	-	1	2	-
(Workers' Comp) Commission Review Bd [32]	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTALS	3658	593	494	594	552	446	502	501	525	577	393	571	482	534	409	399	461	361	335	405	307	471

This table illustrates the number of rulemakings commenced by each agency during the calendar year.

[1] DASA, once a division of Dangerous Drugs Commission, became a separate agency in 1984. [2] The Depts. of Personnel and Administrative Services were combined in 1982 and the name was changed to Dept. of Central Management Services. [3] Includes Emergency Services & Disaster Agency, which was renamed IEMA in 1992. [4] Includes State's Attorneys Appellate Service Commission. [5] The Military & Naval Department became the Department of Military Affairs in 1988. [6] The Department of Registration & Education became DPR in 1988. [7] Commissioner of Savings & Loan Associations became the Commissioner of Savings & Residential Finance in 1990 and combined with the Commissioner of Banks and Trusts to become the Commissioner of Banks and Real Estate in 1996. The new office also absorbed the real estate licensing functions of DPR. [8] Until 1986, the Dept. of Law Enforcement Merit Board. [9] The State Scholarship Commission became ISAC in 1989. [10] In 1995, DOC, ENR (previously, Institute of Natural Resources), M&M, AMLRC, and DOT Waterways Division were merged into the Department of Natural Resources. [11] July 1997, DHS was formed from DASA, DORS, DMHDD, and specific programs from DPA and DPH. [12] In 1996, the Savings and Loan Advisory Board became the Board of Savings Institutions. [13] In 1996, the Board of Regents/Governors were disbanded in favor of individual boards of trustees. Also includes obsolete Trustees of State CC of E. St. L. [14] Prior to 1985, Department of Law Enforcement. [15] Prior to 1979, Department of Local Government Affairs. [16] Includes State Fair Agency (prior to 1979). [17] Absorbed Fair Employment Practices Commission in 1980. [18] In 1984, the Dangerous Drugs Commission was absorbed by DASA, which was then absorbed by DHS in 1997. [19] IEFA absorbed the Higher Education Loan Authority in c. 1988. [20] In 1993, the Local Gov. Law Enforcement Officers Training Board was renamed the Law Enforcement Training & Standards Board. [21] HCCC absorbed Health Finance Authority (1979-82) duties in 1984. HCCC was abolished in 2002 and its duties taken by DPH. [22] In 2000, the Local Labor Relations and State Labor Relations Boards were combined into the Illinois Labor Relations Board. [23] In 2003, DCCA became DCEO. [24] In 2003, DNS was absorbed by IEMA. [25] In 2003, Prairie State 2000 Auth. was transferred to DCEO. [26] In 2003, Department of the Lottery was transferred to Revenue. [27] The Governor's Purchased Care Review Board became the Purchased Care Review Board when it moved into SBE in 1996. [28] In 2004, the Departments of Insurance, Professional Regulation and Financial Institutions and the Office of Banks and Real Estate were combined into the Department of Financial and Professional Regulation. [29] Illinois Building Commission was absorbed by the Capital Development Board 7/1/04. [30] The Illinois Finance Authority absorbed Illinois Development Finance Authority, Illinois Farm Development Authority, Illinois Health Facilities Authority, Independent Higher Education Loan Authority, Illinois Research Park Authority, Illinois Rural Bond Bank, Illinois Educational Facilities Authority and the Community Development Finance Corporation 1/1/04. [31] 7/1/05, the name of the Department of Public Aid was changed to the Department of Healthcare and Family Services. [32] On 1/1/05, the name of the Illinois Industrial Commission was changed to the Illinois Workers' Compensation Commission. [33] On 1/1/99, PA 90-737 repealed the Governor's Ethics Commission and replaced it with the Executive Ethics Commission. [34] PA 95-657 created the Green Government Coordinating Council in 2007. [35] On 4/1/09 DFP's Division of Insurance was re-established as the Department of Insurance (part of DFP from 2003-2009). [36] On 6/30/09 the name of the Health Facilities Planning Board was changed to the Health Facilities and Service Review Board. [37] Replaced Consortium for Educational Opportunity under PA 93-862 in 2004. [38] Formerly, Legislative Space Needs Commission. [39] Formerly, State Mandates Board of Appeals.

# HISTORY OF EMERGENCY RULEMAKING BY AGENCY

1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Administrative Rules, Joint Committee on	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aging, Department on	9	-	3	5	1	1	2	1	-	-	-	-	-	1	-	1	-	2	-	1	-	2
Agriculture, Department of [16]	14	-	1	-	3	1	1	1	-	1	-	3	1	2	5	1	-	1	-	1	-	3
Attorney General	1	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	1	-	-	-	-	-
Auditor General	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Banking Board of Illinois, State	0	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Development Board [29]	3	-	-	-	-	-	-	-	1	3	2	-	-	-	-	1	2	2	-	-	1	1
Carnival-Amusement Safety Board	2	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Central Management Services, Dept. of [2]	69	4	3	7	-	2	1	8	4	6	6	4	3	7	3	5	6	5	4	2	6	4
Children & Family Services, Department of	9	2	4	1	2	4	6	-	7	1	1	5	4	3	-	2	1	1	-	-	1	1
Commerce & Economic Opportunity [15][23][26]	25	2	2	2	3	-	-	-	1	1	2	4	2	1	2	1	6	3	-	2	1	1
Commerce Commission	32	-	1	1	-	2	-	2	4	6	-	8	5	1	2	1	1	-	-	2	-	3
Community College Board	3	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Comptroller	3	-	-	-	1	1	-	-	-	1	-	1	-	1	-	-	-	-	-	-	-	1
Corrections, Department of	50	3	-	1	4	-	-	1	4	-	-	-	-	-	-	1	1	-	1	-	-	-
CPA Board of Examiners	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-
Criminal Justice Information Authority	5	-	-	-	-	-	-	1	1	1	-	1	-	-	-	-	-	-	-	-	-	-
Dangerous Drugs Advisory Council	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Diversifying Hi Ed Faculty in IL Program Board	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dry Cleaners Emergency Response Trust Fund	0	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-
Education, State Board of	27	2	-	-	-	1	1	2	-	8	1	2	2	-	1	3	3	4	1	4	4	3
Educational Labor Relations Board	7	-	-	1	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-
Elections, State Board of	14	1	-	-	1	-	1	1	-	1	2	1	-	-	-	2	3	-	-	-	2	-
Elevator Safety Review Board	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Emergency Management Agency [3][25]	8	-	-	-	2	1	2	1	1	6	-	-	2	2	-	-	-	-	-	-	-	-
Employment Security, Department of	12	1	-	2	2	2	1	-	-	-	-	1	1	-	-	-	2	-	1	-	-	2
Environmental Protection Agency	20	-	-	1	-	-	1	-	2	-	-	-	-	-	-	-	-	-	-	-	5	3
Executive Ethics Commission [33]	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-
Experimental Organ Transplantation Proc. Bd.	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Financial and Professional Regulation [34]	82	2	6	7	7	1	6	2	7	11	3	15	4	8	11	5	2	4	2	2	2	-
Finance Authority	12	3	-	1	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Fire Marshal	12	1	-	-	2	-	-	-	-	1	-	-	-	-	2	-	-	2	-	1	1	-
Gaming Board	0	-	-	-	-	-	-	1	1	1	1	-	-	1	1	1	1	-	-	-	1	1
Governor	0	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Green Government Coordinating Council	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
Guardianship and Advocacy Commission	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Healthcare and Family Services, Dept. of [31]	117	18	19	27	17	6	29	15	22	13	10	6	10	25	16	20	20	24	8	12	9	4
Health Coordinating Council, Statewide	4	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Health Facilities Planning Board [35]	0	-	-	4	1	-	2	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-

# HISTORY OF EMERGENCY RULEMAKING BY AGENCY

1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Higher Education CPO	0	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
Higher Education Loan Authority, Independent	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Higher Education, Board of	4	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	1	2	-	-	1	1
Housing Development Authority	4	3	-	2	1	2	1	-	3	-	-	1	1	1	1	-	-	-	1	1	1	2
Human Rights Commission [17]	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Human Rights, Department of	1	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Human Services, Department of [11][1]	20	2	3	14	31	1	3	2	8	22	29	16	9	5	1	8	3	3	2	3	17	6
Insurance, Department of [34]	19	-	-	1	4	-	1	-	3	-	1	3	-	2	-	-	-	-	-	-	-	1
Investments, Illinois State Board of	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Labor Relations Board	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-
Labor, Department of	12	1	1	-	1	1	-	-	-	-	-	1	-	-	-	3	1	-	-	1	2	1
Legislative Information System	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lieutenant Governor	0	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Control Commission	0	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Law Enforcement Training Standards Board	2	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-
Medical District Commission [36]	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Military Affairs, Department of [24]	0	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	1	1
Motor Vehicle Theft Prevention Council	0	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Natural Resources, Department of [10]	104	3	6	6	5	6	4	-	1	4	5	1	5	4	1	2	4	1	4	1	-	2
Obsolete Boards & Commissions	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pollution Control Board	18	1	-	-	3	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Prisoner Review Board	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Health, Department of [18]	82	13	8	4	24	7	6	13	10	1	3	2	1	3	23	1	13	-	-	2	1	1
Purchased Care Review Board [28]	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Racing Board	24	-	2	1	3	1	4	1	-	-	3	-	-	3	1	2	3	1	3	2	1	4
Retirement System, State Employees'	6	-	-	-	-	-	-	-	2	-	-	-	-	1	-	1	-	-	-	-	1	-
Retirement System, State Universities	0	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-
Retirement System, Teachers'	1	-	-	-	-	1	-	-	2	3	-	-	-	-	-	-	-	-	-	-	-	-
Revenue, Department of [27]	25	1	3	2	5	-	3	2	1	5	5	6	5	3	14	8	1	-	1	2	2	1
Secretary of State	22	-	3	2	5	2	1	7	4	3	3	7	10	4	4	3	2	4	-	5	5	-
Sex Offender Management Board	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-
Specialized Care for Children, Division of	0	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
State Mandates Board of Review [37]	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State Police Merit Board [8]	7	-	-	1	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-
State Police, Department of [14]	2	1	1	1	-	-	-	2	-	-	-	-	3	2	-	-	-	1	1	-	-	1
Student Assistance Commission [9]	9	1	5	2	3	1	1	2	-	1	-	-	-	-	1	1	-	-	1	-	-	-
Toll Highway Authority, Illinois State	0	-	-	-	-	-	-	-	-	-	-	2	-	1	1	2	-	-	-	-	-	-
Transportation, Department of [10]	11	-	-	1	-	1	-	-	1	1	-	5	-	-	-	2	1	-	-	-	1	-
Travel Control Board, Legislative	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

# HISTORY OF EMERGENCY RULEMAKING BY AGENCY

## 1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Travel Regulation Council	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Treasurer	1	-	-	-	-	-	-	-	1	-	3	1	-	-	-	1	2	-	-	-	-	-
University of Illinois, Board of Trustees	2	-	-	-	2	-	1	-	-	4	-	1	-	-	-	-	-	-	-	-	-	-
Veterans' Affairs, Department of	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Workers' Compensation Commission [32]	11	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
<b>TOTALS</b>	<b>941</b>	<b>67</b>	<b>72</b>	<b>102</b>	<b>133</b>	<b>47</b>	<b>80</b>	<b>70</b>	<b>93</b>	<b>111</b>	<b>83</b>	<b>103</b>	<b>70</b>	<b>81</b>	<b>93</b>	<b>88</b>	<b>83</b>	<b>62</b>	<b>32</b>	<b>46</b>	<b>71</b>	<b>51</b>

This table illustrates the number of rulemakings commenced by each agency during the calendar year.

[1] DASA, once a division of Dangerous Drugs Commission, became a separate agency in 1984. [2] The Depts. of Personnel and Administrative Services were combined in 1982 and the name was changed to Dept. of Central Management Services. [3] Includes Emergency Services & Disaster Agency, which was renamed IEMA in 1992. [4] Includes State's Attorneys Appellate Service Commission. [5] The Military & Naval Department became the Department of Military Affairs in 1988. [6] The Department of Registration & Education became DPR in 1988. [7] Commissioner of Savings & Loan Associations became the Commissioner of Savings & Residential Finance in 1990 and combined with the Commissioner of Banks and Trusts to become the Commissioner of Banks and Real Estate in 1996. The new office also absorbed the real estate licensing functions of DPR. [8] Until 1986, the Dept. of Law Enforcement Merit Board. [9] The State Scholarship Commission became ISAC in 1989. [10] In 1995, DOC, ENR (previously, Institute of Natural Resources), M&M, AMLRC, and DOT Waterways Division were merged into the Department of Natural Resources. [11] July 1997, DHS was formed from DASA, DORS, DMHDD, and specific programs from DPA and DPH. [12] In 1996, the Savings and Loan Advisory Board became the Board of Savings Institutions. [13] In 1996, the Board of Regents/Governors were disbanded in favor of individual boards of trustees. [14] Prior to 1985, Department of Law Enforcement. [15] Prior to 1979, Department of Local Government Affairs. [16] Includes State Fair Agency (prior to 1979). [17] Absorbed Fair Employment Practices Commission in 1980. [18] HCCC absorbed Health Finance Authority (1979-82) duties in 1984. HCCC was abolished in 2002 and its duties taken by DPH. [22] In 2000, the Local Labor Relations and State Labor Relations Boards were combined into the Illinois Labor Relations Board. [23] In 2003, DCCA became DCEO. [24] The Military & Naval Department became the Department of Military Affairs in 1988. [25] In 2003, DNS was absorbed by IEMA. [26] In 2003, Prairie State 2000 Auth. was transferred to DCEO. [27] In 2003, Department of the Lottery was transferred to Revenue. [28] The Governor's Purchased Care Review Board became the Purchased Care Review Board when it moved into SBE in 1996. [28] In 2004, the Departments of Insurance, Professional Regulation and Financial Institutions and the Office of Banks and Real Estate were combined into the Department of Financial and Professional Regulation. [29] Illinois Building Commission was absorbed by the Capital Development Board 7/1/04. [30] The Illinois Finance Authority absorbed Illinois Development Finance Authority, Export Development Authority, Illinois Farm Development Authority, Illinois Health Facilities Authority, Illinois Research Park Authority, Illinois Rural Bond Bank, Illinois Educational Facilities Authority and the Illinois Community Development Finance Corporation 1/1/04. [31] 7/1/05, the name of the Department of Public Aid was changed to the Department of Healthcare and Family Services. [32] On 1/1/05, the name of the Illinois Industrial Commission was changed to the Illinois Workers' Compensation Commission. [33] On 1/1/99, PA 90-737 repealed the Governor's Ethics Commission and replaced it with the Executive Ethics Commission. [34] On 4/1/09 DFP's Division of Insurance was re-established as the Department of Insurance (part of DFP from 2003-2009). [35] On 6/30/09 the name of the Health Facilities Planning Board was changed to the Health Facilities and Service Review Board. [36] Formerly, Medical Center Commission. [37] Formerly, State Mandates Board of Review.

# HISTORY OF PEREMPTORY/EXEMPT RULEMAKING BY AGENCY 1978 THROUGH 2010

AGENCY	78-89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
Aging, Department on	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agriculture, Department of [16]	40	5	4	6	4	7	5	5	6	4	2	5	3	2	4	4	4	2	3	2	3	-
Central Management Services, Department of [2]	23	4	2	2	1	3	6	4	5	11	3	6	3	2	1	10	13	13	8	10	13	15
Children & Family Services, Department of	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-
Commerce Commission	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Comptroller	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corrections, Department of	14	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Education, State Board of	11	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-
Emergency Management Agency	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	1	5
Employment Security, Department of	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Healthcare and Family Services [13]	84	1	1	1	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	3	1	-
Department of Human Services [11][1]	2	-	-	-	-	-	-	-	-	-	-	-	-	1	1	1	2	2	1	6	3	1
Labor, Department of	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Natural Resources, Department of [10]	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nature Preserves Commission	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pollution Control Board	74	-	21	25	20	30	20	17	19	22	19	24	13	14	11	10	18	25	2	20	8	8
Public Health, Department of	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retirement System, State Employees	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Revenue, Department of	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transportation, Department of [10]	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	5	-	-	-	-	-
Travel Regulation Council	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Treasurer	0	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Obsolete Boards & Commissions	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTALS</b>	<b>268</b>	<b>10</b>	<b>28</b>	<b>34</b>	<b>29</b>	<b>40</b>	<b>32</b>	<b>27</b>	<b>30</b>	<b>37</b>	<b>24</b>	<b>37</b>	<b>19</b>	<b>19</b>	<b>17</b>	<b>29</b>	<b>44</b>	<b>42</b>	<b>14</b>	<b>43</b>	<b>29</b>	<b>29</b>

This table illustrates the number of rulemakings commenced by each agency during the calendar year.

[1] DASA, once a division of Dangerous Drugs Commission, became a separate agency in 1984. [2] The Depts. of Personnel and Administrative Services were combined in 1982 and the name was changed to Dept. of Central Management Services. [3] Includes Emergency Services & Disaster Agency, which was renamed IEMA in 1992. [4] Includes rules of the Institute of Natural Resources, which predated the Department. [5] The Military & Naval Department became the Department of Military Affairs in 1988. [6] The Department of Registration & Education became DPR in 1988. [7] Commissioner of Savings & Loan Associations became the Commissioner of Savings & Residential Finance in 1990. [8] Until 1986, the Dept. of Law Enforcement Merit Board. [9] The State Scholarship Commission became ISAC in 1989. [10] In 1995, DOC, M&M, AMLRC, and DOT Waterways Division were merged into the Department of Natural Resources. [11] July 1997, DHS was formed from DASA, DORS, DMHDD, and specific programs from DPA and DPH. [12] In 1996, the Savings and Loan Advisory Board became the Board of Savings Institutions. [13] 7/1/05, the name of the Department of Public Aid was changed to the Department of Healthcare and Family Services.







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